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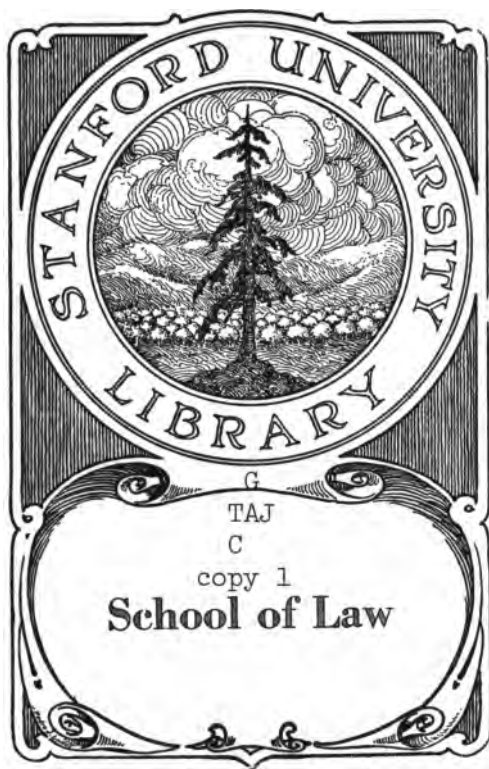
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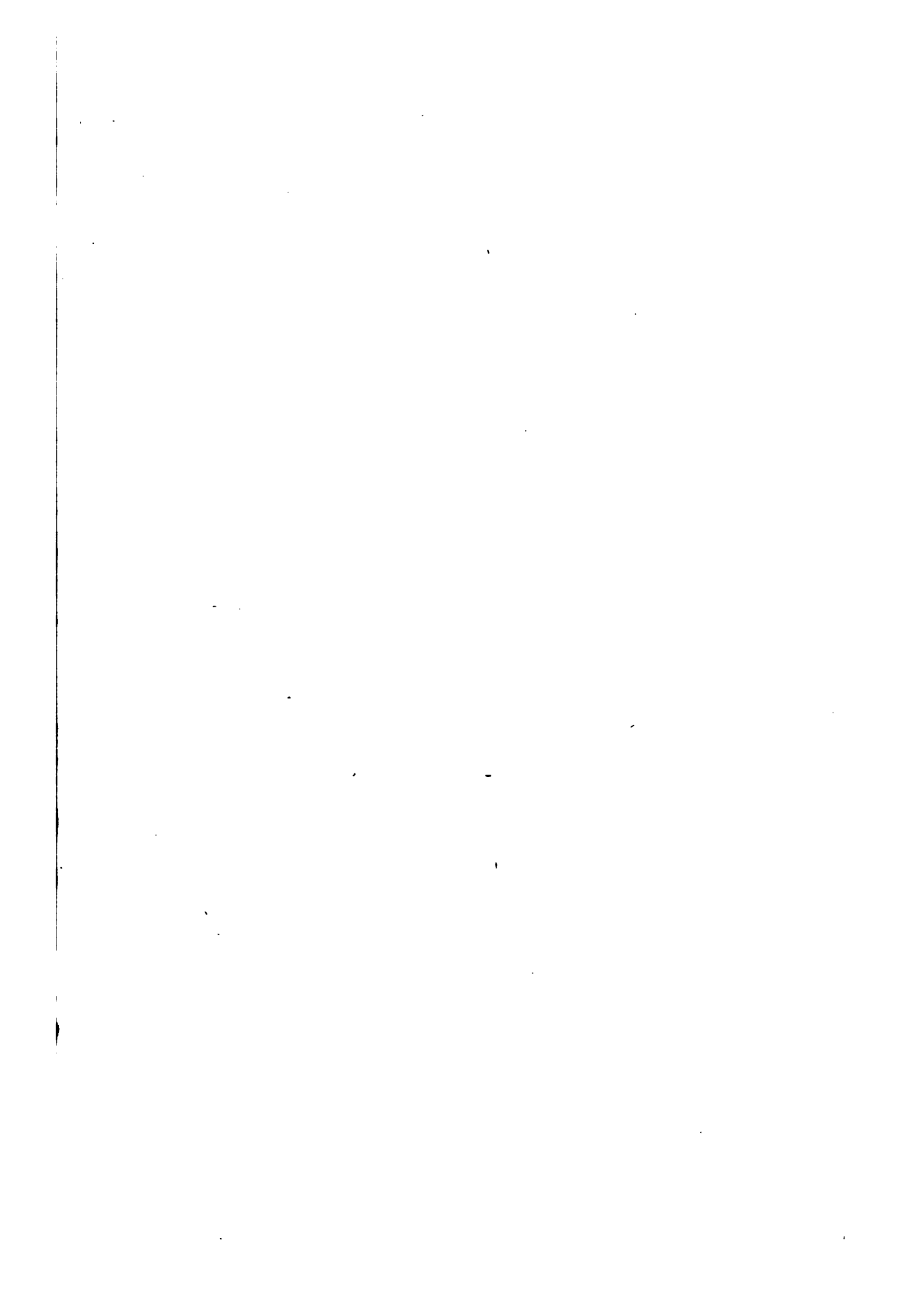
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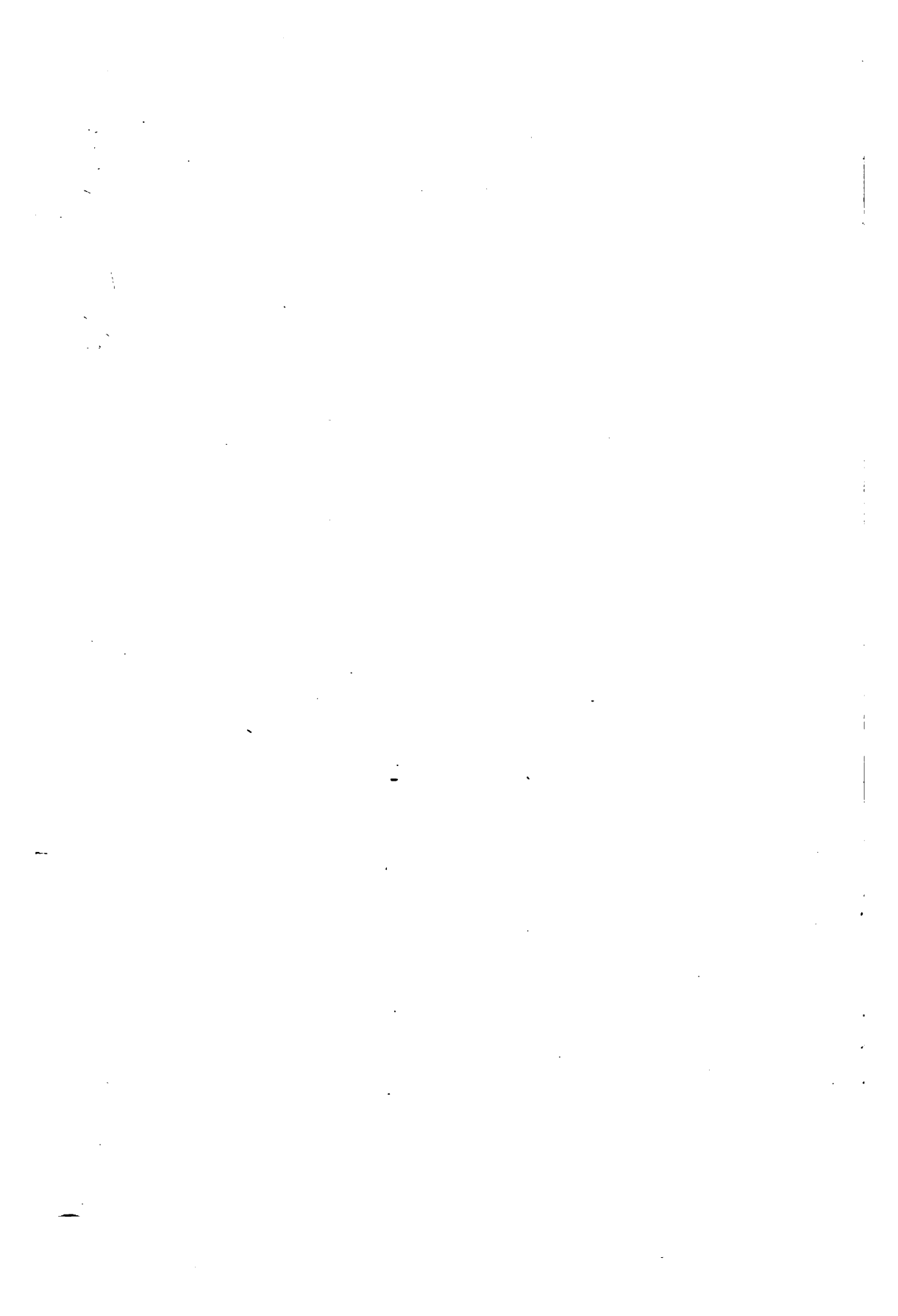
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THE
STATUTES OF CALIFORNIA,

PASSED AT

The Third Session of the Legislature,

BEGUN ON THE FIFTH OF JANUARY, 1852, AND ENDED ON
THE FOURTH DAY OF MAY, 1852, AT THE CITIES
OF VALLEJO AND SACRAMENTO.

STATUTES OF CALIFORNIA

PUBLISHED BY AUTHORITY.

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UNRECORDED LIBRARY

L A W S

OF THE

STATE OF CALIFORNIA,

PASSED AT THE

THIRD SESSION OF THE LEGISLATURE, BEGUN ON THE FIFTH DAY
OF JANUARY, 1852, AND ENDED ON THE FOURTH DAY
OF MAY, 1852, AT THE CITIES OF VALLEJO
AND SACRAMENTO.

CHAPTER I.

AN ACT

To Fund the Indebtedness of the State, which has accrued, or may accrue from April twenty-ninth, eighteen hundred and fifty-one, to December thirty-first, eighteen hundred and fifty-two, inclusive, and to provide for the payment of the three per cent. Bonds.

The people of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. With a view to fund so much of the debt of the State, as has accrued, and remains unpaid since the twenty-ninth day of April, A. D., eighteen hundred and fifty-one, and so much as may accrue up to the thirty-first day of December, eighteen hundred and fifty-two, other than such as by law may be hereafter required to be paid for especial purposes; the Treasurer of the State of California, shall cause to be prepared, Bonds to the amount of six hundred thousand dollars, bearing interest at the rate of seven per cent. per annum, from the date of their issue, payable in the city of New York, or at the State Treasury, at the option of the party or parties to whom it is issued, on the first day of March, Anno Domini, eighteen hundred and seventy. The interest accruing on the said Bonds, shall be due and payable on the first day

Authorizes the
issuing of State
Bonds for six
hundred thou-
sand dollars, at
seven per cent.

Interest payable
in N. York or
at the State
Treasurer.
Signature of
Bonds.

Coupons to be
attached to each
Bond and signed
by State
Treasurer.

Notice to be
given where the
interest will be
paid.

Treasurer and
Comptroller to
keep separate
records of all
Bonds.

Pre-payment.

Civil indebted-
since 29th day
of April, 1851,
to 31st day of
Dec. 1832, inclu-
sive, in the form
of Warrants.

Bonds shall not
be less than
\$100.

Treasurer shall
keep a record of
redeemed war-
rants.
May be funded
and Bonds is-
sued on presen-
tation to the
State Treasurer

Not to effect
School Land
Bill.

Governor and
Comptroller to
examine and
cancel all War-
rants.

of July and January, of each year. The interest may be made payable either in the city of New York, or at the office of the Treasurer of State. Said Bonds shall be signed by the Governor, and countersigned by the Comptroller, and endorsed by the Treasurer of the State, and shall have the seal of the State affixed hereto.

SEC. 2. Coupons for the interest shall be attached to each Bond, so that the coupon may be removed without injury or mutilation to the Bond. Said coupons, consecutively numbered, shall be signed by the Treasurer of the State, and it shall be his duty to advertise in one or more newspapers published in New York and San Francisco, where the interest on said Bond is made payable, at least twenty days immediately preceding the day on which the same shall be due, stating at what office or banking house the said interest will be paid.

SEC. 3. It shall be the duty of the Treasurer and Comptroller of the State, each to keep a separate record of all such Bonds as may be issued, showing the number, date and amount of each Bond, and to whom the same was issued.

SEC. 4. The Treasurer shall pay out of any moneys in the Treasury, not otherwise appropriated, any and all expense that may be incurred in having said Bonds prepared. The sum so paid out not to exceed fifteen hundred dollars.

SEC. 5. From and after the passage of this Act, all persons having any indebtedness of this State, which has been or may be contracted for civil purposes, since the twenty-ninth day of April, eighteen hundred and fifty-one, and up to the thirty-first day of December, eighteen hundred and fifty-two, inclusive, in the form of Warrants drawn by the Comptroller of this State upon the State Treasurer, shall, if desired by the holder, upon the presentation of the same to the Treasurer of the State of California, receive in exchange therefor a Bond or Bonds of the State of California, such as are provided for in the first and second sections of this Act. *Provided*, that the amount so presented shall not be in less sums than one hundred dollars, and *Provided*, that the said Bonds to be issued, shall not be other than for the sums of one hundred, one hundred and fifty; five hundred or one thousand dollars each. The Treasurer shall endorse on the back of each warrant redeemed by him, the date on which he redeemed the same, from whom received, and also keep a record of the same, giving the number of the warrant, date of the same, time when redeemed, and the amount. And the Treasurer of the State shall liquidate none of the aforesaid indebtedness of the State, in any other manner than is herein provided, unless otherwise ordered by future enactment, *Provided*, that none of the provisions of this Act shall be construed as to prevent the State Treasurer from receiving State Warrants or Bonds, in payment of School Lands, as provided by laws now existing, or that hereafter may be passed.

SEC. 6. It shall be the duty of the Governor and Comptroller to attend, at least once in each month, at the Treasurer's office, to examine all warrants received by the Treasurer as aforesaid, and to cause the same to be registered and cancelled in such a manner as to prevent them from being re-issued, or put in circulation.

SEC. 7. In addition to the ordinary taxes for general State purposes, there shall annually, after the present year, until the principal and interest of the Bonds to be issued under this Act shall be fully provided for, by payment or otherwise, as hereinafter provided, be levied and collected in the same manner with the ordinary revenues of the State, as provided for by laws now in force, or which may hereafter be enacted, and by the same officers, a special tax for the funded debt of one thousand eight hundred and fifty-two, to be called the "interest tax of one thousand eight hundred and fifty-two," of ten cents on each one hundred dollars worth of taxable property, which tax shall be collected and paid over into the Treasury of the State, in the legal currency of the United States, or in gold dust at the value for which it may be received in payment of the ordinary taxes of the State. The fund derived from this tax shall be applied only to the payment of the interest to accrue upon the Bonds herein provided for. *Pro-* Provision for a special tax to be called the "Interest Tax of one thousand eight hundred and fifty-two."
vided, however, that should said fund furnish a surplus over and above what it requires for the payment of said interest, such surplus shall be turned over and paid into the sinking fund, herein provided for, and *Provided*, further, that if such interest fund is not sufficient to pay said interest, the balance of said interest shall be paid out of the "Sinking Fund," provided in the next section. *Provided*, the interest due for the year one thousand eight hundred and fifty-two shall be paid out of the sum set aside by section seventeenth, of Revenue Bill for that purpose. Application of fund.

SEC. 8. It shall be the duty of the Treasurer to set apart a fund to be called the "sinking fund," of one thousand eight hundred and fifty-two. Into this fund shall be paid—First, any and all surplus of the interest aforesaid. Second, any and all moneys received by the State of California from the United States Government on account of the civil Fund, after the redemption of the Bonds of this State, issued in accordance with the Act entitled "An Act to fund the debt of the State," passed April twenty-ninth, eighteen hundred and fifty-one, save and except the sum of fifty thousand dollars, which shall be retained for the payment of claims justly chargeable upon such civil Fund. Third, the proceeds of the sales of all lands that may hereafter be acquired by this State, in her own right, if any shall be sold except those reserved for School purposes, and the swamp lands, which may be received after redemption of the Bonds issued under act of twenty-ninth of April, one thousand eight hundred and fifty-one, herein before mentioned. Fourth, whatever surplus may remain in the General Treasury, accruing from the sources specified in this Act, on the first day of July, one thousand eight hundred and fifty-three, and on the first day of July, every year thereafter, not otherwise appropriated by law. All of said payments to be continued until the Sinking Fund shall be sufficient for the payment of the principal and interest of the Bonds aforesaid, or disposed of as hereinafter specified. Surplus to be paid into a Sinking Fund. Deficiency of interest. Interest of 1852.

SEC. 9. Whenever upon the first day of July, one thousand eight hundred and fifty-three, or upon the first day of July in any subsequent year, there remains a surplus after payment of the interest, as before provided; of twenty thousand dollars, it shall State Treasurer to set apart a fund to be called the "Sinking Fund of eighteen hundred and fifty-two."
Moneys composing the "Sinking Fund."
Surplus to liquidate principal.

be the duty of the Treasurer to advertise for the space of one month in two newspapers of San Francisco, for sealed proposals for the surrender of Bonds issued in accordance with this Act, in such quantity as the holder may desire, not exceeding the amount to be redeemed. He shall state in said advertisements, the amount of money that he has on hand for the purpose of redemption, and he shall accept such proposals, at rates not exceeding par value, as may redeem at the lowest value named for the Bonds, until the amount of cash on hand for redemption is exhausted. Upon the redemption of the Bonds thus provided for, they shall be cancelled in the manner prescribed in the fourteenth section of this Act for the redemption of the three per cent. Bonds.

Manner of cancelling Bonds.
Record of the Sinking Fund.

SEC. 10. Full and particular account and record shall be kept by the Treasurer, of the condition and business of said "Sinking Fund," open at all times to the inspection of the Governor and Comptroller, and to any Committee appointed by the Legislature, or either branch thereof.

Pledges the faith of the State for the redemption and payment of the bonds and interest.

SEC. 11. The faith and credit of the State of California is hereby pledged for the payment of the Bonds issued under this Act, and the interest thereon, and that the provisions and appropriations in this Act made and provided, shall be maintained and applied to the payment of said Bonds and interest.

Treasurer to require Bond and Mortgage security from those in his employ.

SEC. 12. The Treasurer of the State, having occasion to employ or trust any person or persons, in or about the business devolved upon him by the provisions of this Act, shall take for his own security, and for the security of the State, such security by bond and mortgage, or otherwise as shall be approved by the Governor; which bond and mortgage so approved by the Governor, shall be good and sufficient in law, and may be prosecuted in the name of the obligee, for his own use or for the use and benefit of the State of California.

Treasurer to transmit an abstract of all his proceedings under this Act.

SEC. 13. The Treasurer of the State shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature, and all books and papers pertaining to the matter provided for in this Act, shall at all times be open to the inspection of any party interested, or to any Committee of either branch of the Legislature, or a joint Committee of both.

Treasurer to give notice by publication to the bond holders of bonds issued under "An Act creating a temporary state loan," passed in 1850.

SEC. 14. The Treasurer of the State shall on or before the thirtieth day of May, one thousand eight hundred and fifty-two, give notice by publication in one or more newspapers, to the holders of the Bonds of this State, issued under an act entitled "An Act creating a temporary State Loan," passed February first, eighteen hundred and fifty, requiring said Bonds to be presented at the office of the Treasurer, on the first day of January, one thousand eight hundred and fifty-three for adjudication and redemption. Upon the receipt or presentation of any such Bond or Bonds, at or into the office of the Treasurer of State, he shall take account of such Bond and hand the same to the Comptroller of State, for adjudication in the usual manner of auditing civil claims against the State. The Comptroller shall certify, by endorsement upon the back of each Bond,

the amount due thereon, principal, interest and total; and such Bond so endorsed, shall be paid by the Treasurer of State on presentation, on or after said first day of January; and no interest shall accrue on said Bonds after that day, unless previously presented. The Bonds redeemed as provided for in this section, shall be immediately cancelled by the Treasurer of State.

Bonds cancelled
to be destroyed
by Treasurer.

APPROVED May 1, 1852.

CHAPTER II.

AN ACT

*Supplementary to "An Act to Fund the Debt of the State,"
passed April twenty-ninth, eighteen hundred and fifty-one.*

*The People of the State of California, represented in Senate
and Assembly, do enact as follows:*

SEC. 1. Whenever there has accumulated in the "Sinking Fund provided for by Section eleven of "An Act to fund the Debt of the State," passed April twenty-ninth, eighteen hundred and fifty-one, a surplus after payment of interest due, of ten thousand dollars, or more, it shall be the duty of the Treasurer of the State to advertise for the space of one month, in one or more newspapers, for sealed proposals for redemption of the Bonds issued in accordance with the Act aforesaid, to the extent of the surplus moneys on hand for that purpose, the amount of which shall be named in said advertisement. Upon the day fixed for the opening of the proposals, the Treasurer and Comptroller shall proceed to open the same and declare what proposals are made for redemption at the lowest rates of value for said Bonds, to the extent of the said surplus monies on hand for their redemption, and liquidate and pay the same; making the proper registry and cancel thereof. A statement of the amount of Bonds so redeemed, together with the amount of moneys used in their redemption, shall be made by the Comptroller in his annual report to the Governor.

Disposition of
Surplus Sinking
Fund.

Duty of the Treas-
urer to adver-
tise for the re-
demption of
Bonds.

Comptroller to
report the a-
mount of re-
deemed bonds.

SEC. 2. Whenever there has accumulated in the general fund a surplus of more than one hundred thousand dollars, over and above the amount of moneys necessary to liquidate the Three per cent. Bonds, issued in accordance with an "Act creating a temporary State Loan," passed February first, eighteen hundred and fifty, the said surplus so accumulated, shall, and hereby is appropriated toward the redemption of the Bonds issued in accordance with "An Act to fund the debt of the State," passed April twenty-ninth, eighteen hundred and fifty-one," in same manner as is provided in Section one of this Act.

The same.

SEC. 3. No Bonds shall be liquidated under the provisions of this act at a value above par value and interest accrued thereon.

Bonds above
par value.

APPROVED May 4, 1852.

CHAPTER III.

AN ACT

To provide for Levying, Assessing, and Collecting Public Revenue.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

ARTICLE I.

- Property liable to taxation.** SEC. 1. All property, real or personal, within this State, shall be liable to taxation, (subject to the exceptions hereinafter stated,) in proportion to its value, which value shall be ascertained by the oath of the owners, agents, or possessors thereof, and by the County Assessors; and all individuals, and individual pursuits, except agriculture and labor, may be liable to additional taxation; but the same shall be equal and uniform throughout this State.
- Individuals &c.**
- Amount of State Tax.** SEC. 2. The amount of Property Tax levied by this Act, shall be thirty cents on each one hundred dollars' worth of all real and personal property in this State, for State purposes, except as hereinafter provided; and an additional amount, not exceeding fifty cents on each one hundred dollars worth thereof, for County purposes.
- County Tax.**
- Real Estate.** SEC. 3. The term "real estate," as used in this Act, shall be construed to include all lands within this State.
- Personal property under this Act.** SEC. 4. For the purposes of Revenue, the term "personal property," as used in this Act, shall be construed to include all household furniture, goods, chattels, horses, cattle, money, gold dust, and money at interest, and solvent debts exceeding indebtedness, and all ships, steamers, vessels and water-craft of any and every description whatever navigating the waters of this State; all moneyed stock and interest in any Company or Association, incorporated or private, not vested in real estate, and all stock and interest invested or owned in any Company or Association owning or having the management of any mine, or of any turnpike, plank road, bridge, ferry, or other thing; and also for the purpose of revenue only, all houses, buildings, or other things erected upon real estate, whether private property or public land of the United States, shall be deemed and held to be personal property. If any person, who has settled upon and improved public land of the United States, shall neglect to pay the tax assessed upon the improvements thereon, within the time prescribed by law for the payment of taxes, he shall not avail himself of the provisions of the "Act
- Water craft.**
- Associations.**
- Roads, Ferries, &c.**
- Buildings.**
- Improvements upon land.**

prescribing the mode of maintaining and defending possessory actions on land belonging to the United States," approved April eleventh, eighteen hundred and fifty, or any subsequent law for the same purpose. In any action involving the right of possession, claimed under said Act, any party against whom such right is claimed, may suggest that the taxes upon the improvements on said claim have not been paid. Upon such suggestion being made, the claim shall be disregarded by the Court, unless the person asserting it shall forthwith give in evidence a receipt for said taxes.

Penalty for non payment of taxes.

Invalidating right of possession.

SEC. 5. The following persons and property shall be exempt from taxation. The polls of all officers and soldiers belonging to the army of the United States; the polls of all Indians, except those who may be lawfully entitled to vote; lands and lots, public buildings and structures, with their furniture and equipments, belonging to the United States; lands, and other property, belonging to this State or to any County in this State; all public structures, with their furniture and equipments, and all public squares and lots kept open for health, use, or ornament, belonging to any city, town, or village in the State; all property of whatsoever description granted or held for educational or charitable purposes; all school houses and other buildings used for the purposes of education, with their furniture and equipments; and the lands appurtenant thereto and used therewith, so long as the same shall be used for that purpose only; all hospitals for the sick, and all public buildings used for like purposes, with their furniture and equipments and the lands appurtenant thereto and used therewith, so long as the same shall be used for such purposes only; all churches and other public buildings for religious worship, with their furniture, and equipments, and the lands appurtenant thereto and used therewith, so long as the same shall be used for such purposes only; all cemeteries and graveyards, set apart and used for those purposes only.

Persons and property exempt from taxation. Army of the U.S. Indians.

Property of the U. S. State and County property.

Buildings and other property used for public purposes.

SEC. 6. Lands sold or leased for a term of years by the State, though not granted or conveyed, shall be assessed in the same manner as if actually conveyed.

Leased State lands liable.

SEC. 7. The owner or holder of Stock in any incorporated Company, liable to taxation on its capital, shall not be taxed as an individual for such stock.

Stocks of incorporations.

SEC. 8. Every person shall be listed in the County where he resides for all real and personal estate owned by him in such County, including all real and personal estate in his possession, or under his control as trustee, guardian, executor, or administrator.

Persons to be listed where they reside.

SEC. 9. Lands occupied by any person not the owner thereof, shall be listed in the name of the owner, if known; otherwise in the name of the occupant, who shall pay the taxes on the same; and for the taxes paid by such occupant, he shall have his action against the owner.

Occupied lands.

SEC. 10. Unoccupied land shall be listed in the name of the owner, if known; otherwise, as lands of persons unknown. Lots or real property within the limits of any incorporated city shall be listed separately, in accordance with the survey or plan.

Unoccupied lands.

Within city limits.

Estate of Incorporated Companies.

SEC. 11. The real and personal estate of all incorporated companies, liable to taxation, shall be listed in the County in which the same shall be, in the same manner as the real estate of individuals.

Toll bridges and ferries.

SEC. 12. In the case of toll-bridges and ferries, the Company owning such bridge or ferry, shall be listed in the County in which the tolls and ferriage are collected; and where the toll and ferriage are collected in more than one County, the company shall be listed in the County in which the Treasurer, or other officer authorized to pay the dividend of said Company, resides.

Real and personal estate under mortgage.

SEC. 13. When real or personal property is under mortgage, or in any manner pledged, it shall, for the purposes of taxation, be deemed the property of the party having possession thereof, except in the case of a mortgage of real estate, when the mortgagor is in possession, in which case the mortgagor shall pay the tax on the value of the property over and above the amount for which it is mortgaged, and the mortgagee shall pay the tax on the money due, or to become due, on the mortgage.

Estate of deceased persons.

SEC. 14. The undivided real estate of deceased persons may be listed to the heirs, guardians, executors, or administrators, as the case may be, and a payment of taxes made by either, as the case may be, shall bind all the parties in interest for their equal proportions.

Partnerships.

SEC. 15. Partners in mercantile or other business may be jointly listed in their partnership name, in the County where the business is carried on, for their personal property employed in such business; and in case of being so jointly listed, each partner shall be liable for the whole tax.

County Assessors to appoint Deputies.

SEC. 16. The County Assessor of each County, may appoint one or more Deputy Assessors, not exceeding one for each Township in the County, to assist him in the performance of his duties; and he may require of each person so appointed, a Bond, with sureties, for the faithful performance of his duties; but the County Assessor shall be responsible for the official acts of every Deputy so appointed. Before entering upon their respective duties each Deputy, in like manner as the County Assessor, shall take the oath of office, which shall be endorsed on their respective appointments.

Time of Assessing.

SEC. 17. Between the first Monday of March and July of each year, the County Assessor shall ascertain by diligent inquiry and examination through all the inhabited portions of his County, the names of all taxable inhabitants, and the full amount of all the real and personal property within the County which is not exempt from taxation by this Act; and all the real and personal property in this State not so exempt shall be liable for the payment of not more than the amount specified in the second section of this Act; and the whole amount thereof required for State purposes, as provided in the second section of this Act, is hereby appropriated, as follows: five cents of the thirty cents imposed on each one hundred dollars, is exacted for the sole purpose and shall be retained by the Treasurer of State and paid out only as the laws for the benefit of the Common Schools of this State shall

Tax lists.

What they shall contain.

Appropriation of State tax.

Common School Fund.

direct; fifteen cents of the said thirty cents imposed for the payment of the interest tax, as funded in the Act to fund the debt of the State; and the remaining ten cents of the said thirty cents imposed for the payment of the interest on the present indebtedness of the State, funded in accordance with an Act entitled "An Act to fund the indebtedness of the State," which has accrued or may accrue from April twenty-ninth, eighteen hundred and fifty-one, to December thirty-first, eighteen hundred and fifty-two, inclusive," passed and shall constitute the interest tax of eighteen hundred and fifty-two, provided in the seventh section of said Act.

Appropriation of taxes.

SEC. 18. The Assessor shall, between the times specified in this Act, call upon every person resident in his County, for a list of his taxable property, and such property as may be under the control or management of such person, and demand a list under oath of such taxable property, of whatever character. When any should be overlooked by an assessment in any one year, it shall be added to the next annual assessment.

Duties of Assessors.

To demand sworn lists.

SEC. 19. To ascertain the taxable inhabitants and property in each County, the Assessor shall prepare a tax list, or assessment roll, in a well-bound book, alphabetically arranged, in which shall be set down in separate columns, and according to the best information he can obtain, guided by the list required of each taxable inhabitant in the next section of this Act:

To prepare an Assessment roll for each county.

Contents.

First: The names of all taxable inhabitants.

Inhabitants.

Second: All real estate taxable to each, giving the quantity of acres in each tract, as near as possible, except in case of city or town lots, which may be described by reference to numbers and streets.

Real Estate.

Third: The actual cash value of the same.

Cash value.

Fourth: The actual cash value of all personal property taxable to each, except improvements on real estate.

Personal property.

Fifth: The actual cash value of all improvements on real estate.

Improvements.

SEC. 20. In order that taxation may be equal upon all taxable property in the State, and that no Assessor or other officer shall impose an exorbitant or unfair value upon any property for the purpose of taxation, the Assessor shall require each and every taxable inhabitant of the County to make to the Assessor, and subscribe in the tax list or assessment roll, in the manner therein required, and under the following oath or affirmation, a just and true list of all real and personal property which he owns or of which he has the charge or management, except so much of consigned goods (hereinafter specified) as is not owned by him in the County in which he is listed. The oath or affirmation shall be as follows, to wit: "You do solemnly swear, (or affirm,) that the list of your property here this day by you given to me, equals the real cash value, as near as you can justly and reasonably estimate the same, of all your individual property and wealth, whether money, lands, gold dust, houses, ships, vessels, notes, mortgages, County, City, or State Warrants, Bonds, or Scrip, or any other species of property which you own, within

Mode of taxation.

Each to furnish a sworn list.

Form of oath.

this County; and of all the property in this County of which you have the charge or management, and the amount of your interest in consigned goods; and that all the real and personal property which you own in connection with any other person or persons within this County, is by you correctly and truly stated, according to the best of your knowledge, information and belief, so help you God:" and the Assessor shall sign, and certify under the said list and name of each inhabitant, that the foregoing oath was duly administered, which certificate shall be *prima facie* evidence of the truth thereof.

Certificate of Assessor.

Poll tax.

Penalty for non-payment.

Appropriation of poll tax.

Fees.

List of Personal property out of the County.

Form and contents.

Assessor to furnish such list to the County Assessors where the property is located.

SEC. 21. At the same time of so listing each taxable inhabitant, the Assessor shall demand and collect of each such inhabitant, who is a male and over twenty-one years of age, a poll tax, of three dollars, and shall receipt the same in the manner hereinafter provided, and shall inform each such inhabitant, who shall neglect to make immediate payment thereof, in such language as he shall understand, that if such poll tax be not paid on or before the first Monday of September in each year, the amount thereof is increased by law to five dollars, and shall also inform him of the provisions of the fifty-sixth section of this Act. Ninety cents of each poll tax collected under the provisions of this Act, shall be paid into the County Treasury, for the use of the County, the remainder, after deducting the ten per cent., allowed to the Assessor, or the fee of one dollar allowed to the Sheriff, as the case may be, shall be paid over for the use of the State.

SEC. 22. In the same manner, every person shall deliver to the Assessor a just and true list of all property taxable by law, (except merchandise,) which he owns or of which he has the charge or management, being in any other County in this State and which has not to his knowledge been there listed and given in for taxation for that year: which list shall particularly describe each tract of land and each city or town lot contained therein, so that the same may be found and known by such description; and shall also specify each and all deposits, if any, of money and gold dust, with the name or names of the person or persons with whom such deposit or deposits are made and the place or places in which the same may be found, unless he shall have included all such money and gold dust in the list of property in his County, which it shall be lawful to do.

SEC. 23. Every Assessor, as soon as he shall have completed his assessments, shall make out from such lists delivered to him under the twenty-second section of this Act, a distinct list for each County in which any such taxable property may be, and transmit the same, by mail or otherwise, to the Assessor of the proper County, who shall assess the same as other taxable property therein, if not before assessed for the same year. If such lists shall be transmitted by mail, the postage thereon shall be paid by the Assessor who receives the same, and the amount thereof shall be allowed and paid to him at the time and in the manner of paying other expenses of assessment.

SEC. 24. When the lists transmitted from one Assessor to another, as required in the twenty-second section of this Act, shall not be received by the proper Assessor before he has made return of his tax book to the Court, he shall without delay assess the property in such list obtained, and make return thereof to the Court in a supplemental tax book, which shall be proceeded on, as nearly as may be, as the original.

When such lists are not received.

SEC. 25. The books and accounts of all receiving, disbursing or auditing officers, named in this Act, shall at any and all times be open to public inspection and examination, free of any charge whatever.

Books and accounts open for inspection.

SEC. 26. If any taxable inhabitant, in any County in this State, upon being applied to by the Assessor, or any Deputy Assessor, by him duly authorized, shall neglect or refuse to make to the Assessor and to subscribe under oath to a statement or list of his or her wealth, as required in the twentieth section of this Act, he shall be deemed guilty of attempting to secrete property from taxation, and on conviction thereof, shall be punished for a misdemeanor; and moreover upon the discovery by any officer or other inhabitant of any species of taxable property, which shall have belonged to, or which shall have been in the possession or under the exclusive management and control of any such person refusing to give such list or statement as required by this Act, and which property shall not have been previously listed or assessed, and shall be of the value of one hundred dollars or over, every such person shall be subject to indictment for the fraud, and on conviction thereof, shall be fined in any sum not less than fifty dollars nor more than two thousand dollars; and all and every species of property claimed and owned in any portion of this State, by any person convicted of such fraud, shall be liable at any time for the payment of such fine; and of all the fines so collected, the Sheriff and any other person or persons, who may have informed the Sheriff, and aided in any conviction for such fraud, shall receive one-fourth thereof, and the balance shall be paid to the Treasurer of the County, as other State and County taxes.

Penalty for refusing to furnish list.

Informers to receive one-fourth.

SEC. 27. All taxable property in any County in this State, which shall not be listed in the Assessor's book, or a list thereof tendered or offered to be made to the Assessor, upon demand, and which shall have existed in any County between the first Monday of March and July of each year, and shall be found to have remained unlisted in any list required by this Act, shall be any time during the year especially and separately assessed, and reported to the Sheriff of the County, and shall be taxed double, unless it shall be established to the satisfaction of the Board of Equalization that such property was not listed by reason of the gross negligence of the Assessor, in which event the Assessor shall be liable to pay the whole amount of such tax.

Property not listed.

Shall be taxed double.

Exception.

SEC. 28. If any taxable inhabitant shall give a false list of his or her property to the Assessor, or if he or she shall so estimate the value of his or her real or personal property, as to

False list.

	leave no reasonable doubt on the mind of the Board of Equalization, that it was the intention of such inhabitant to misrepresent the actual and fair value of his or her property, then such property shall be liable to be taxed double.
Penalty.	
False oath.	SEC. 29. If any person shall be guilty of giving or making a false list, or of so misrepresenting the value of any property under the oath required by this Act, as to leave no question or doubt, of any attempt to conceal, or falsely state the value of
Penalty.	any property or thing, such person shall be liable to indictment for perjury, and on conviction thereof, shall be punished as in other cases of perjury, and all his or her property shall be liable to pay three times the usual tax.
Property of unknown owners.	SEC. 30. If the owner or owners of any property liable to taxation, shall be unknown, or a non-resident, or absent, or unable to value or affix a false value thereto, or refuse, when called upon by the Assessor or his authorized Deputy, to give a list of his property, real or personal, subject to taxation, it shall be the
How assessed.	duty of the Assessor or his Deputy, in either or all the above enumerated cases, to make a list thereof from the best information he can obtain, and attach thereto such valuation as he may deem just, and enter the same on his Roll ; and the assessment thus made shall have the same force and effect as though it had been made by the owner or owners of all property thus listed ; and unless altered by the Board of Equalization in the manner set forth in this Act ; and the assessment of all property of persons refusing to give a list as provided by law, may be doubled by the Board of Equalization.
Roll to be delivered to County Auditor.	SEC. 31. The Assessor of each County shall deliver the original list or assessment roll to the County Auditor on or before the first Monday of July in each year, unless for good reasons shown a further time, not exceeding the second Monday thereafter, shall be allowed by the County Judge for that purpose. But nothing in this section shall be so construed as to prevent a subsequent assessment and return of any property not returned in the original assessment roll.
Subsequent assessments may be made.	
Board of Equalization.	SEC. 32. The Board of Supervisors, if any exist, otherwise the Court of Sessions of each County, shall constitute the Board of Equalization, and shall meet on the third Monday of July
Time of meeting.	in each year, and also upon the Monday succeeding the final return of any supplementary assessment roll, notice of which shall be given by the Assessor for one week, and continue in session from day to day until all the business of equalization presented to them is disposed of ; and hear and determine all complaints respecting the valuation of property, both real and personal, made subsequent to the preceding first Monday in March ; and correct any list or valuation if they shall be convinced that the same be false ; and shall have power to equalize the valuation made by the Assessor, either by adding thereto or deducting therefrom such sums as to them, or a majority of them, shall appear just and equitable. During the time the Board of Equalization is in session, the Assessor or one of his assistants shall be in attendance, and be allowed to make any
Duties.	
Powers.	
Attendance of Assessor.	

statement to the Court touching the question of equalization before the Board.

SEC. 33. The Auditor of each County, shall, annually, between the third Monday of July and the third Monday of August, in each year, make out a duplicate of taxes assessed in his County, in the following manner: He shall place in alphabetical order, the names of all persons, corporations and companies, liable to pay a tax in that County. He shall place in separate columns, and opposite the names of the proper tax payers:

Duties of County Auditor.

Duplicate of taxes.

Contents.

First: Real estate, other than city or town lots.

Second: The number of acres of such real estate.

Third: The value of such real estate.

Fourth: The value of improvements thereon.

Fifth: City and town lots.

Sixth: Value thereof.

Seventh: Value of improvements thereon.

Eighth: Value of personal property, (except improvements on real estate.)

Ninth: Total value of property.

Tenth: State tax thereon.

Eleventh: County tax thereon.

Twelfth: Poll tax.

Thirteenth: Delinquent tax of previous year.

Fourteenth: Total tax.

If the names of persons liable to pay a tax on any property in the County be not known to the Auditor, he shall place such property in the duplicate opposite the words "unknown owners," and he shall add up, and set down on each page of such duplicate, the several columns containing the valuation of real and personal property, the taxes charged, and the number of acres, carrying the same forward from page to page to the close of the duplicate, and at the end of the duplicate he shall add up and set down the aggregate of the above items for the whole County; and he shall cause a copy of such duplicate to be delivered to the Sheriff of his County, on or before the third Monday of August of each year.

Unknown owners.

Sheriff to receive copy.

SEC. 34. He shall make out, and cause to be transmitted by mail, or otherwise, to the Comptroller of State, on or before the first day of November of each year, a complete abstract of the property listed in his County, the valuation thereof, the number of polls, the amount of each kind of tax, and the aggregate thereof in the County, and certify the same; as also the rate of each kind of tax assessed.

State Comptroller to receive Abstract.

SEC. 35. The Auditor, in presence of the Assessor, shall from time to time, correct all errors which he may discover in his duplicate, either in the name of the person charged with taxes, the description of the property, or amount of taxes charged, and when such correction is made after the duplicate is delivered to the Sheriff for collection, the Auditor shall give to the person to be affected thereby, a certificate of such correction, to be presented to the Sheriff; who shall make the like correction on his

Auditor to correct errors.

	duplicate, and keep such certificate as his voucher on settlement with the Auditor.
Sheriff ex officio Collector.	SEC. 36. The Sheriff, who is hereby declared to be, <i>ex officio</i> , the Collector of all State and County taxes, levied under this Act, shall receive from the County Auditor the duplicate of taxes as soon as he shall have prepared the same, and shall at once proceed to collect the taxes, being charged by the County Auditor with the full amount thus charged upon such duplicate ; and for that purpose he shall attend at such times and places in the County, before the second Monday in October in each year, as the Board of Equalization may designate ; and shall cause notices to be posted up at each of the places of holding elections in his County, at least two weeks before the time set forth in said notices, stating therein when he will attend to receive taxes at the respective places designated, and the amount of tax charged for State and County purposes on each one hundred dollars valuation ; and, also, the amount of State poll tax, and the penalty for failing to pay the same ; and the authority vested in him to enforce the collection thereof ; and the said Sheriff may, by himself or Deputy, accompany the Assessor in his travels over the County, and shall have power, in his discretion, to demand any or all taxes upon personal property due the State or County, from any person liable to taxation, who shall not be the owner of any real estate in such County, so soon as the Assessor shall list such tax payer ; and he shall have the same powers to enforce such tax on personal property as is given him for the enforcement of poll tax.
Duties.	
Notices to be published.	
Contents.	
Powers of Sheriff.	
Assessments to have same effect as executions.	SEC. 37. Every assessment made in conformity with the spirit and intention of the provisions of this Act, shall remain as a judgment, and have the force and effect of an execution against the party and property liable for the taxes thereon ; and the Sheriff is hereby authorized and required to seize and sell in like manner, and with the same fees allowed on other executions, any property, the taxes on which shall not have been paid on or before the second Monday of October in each year, by giving ten days written or printed notice thereof ; a copy of which notice shall be given in the Spanish language in all the Counties south of the County of Santa Clara, including said County, designating the time and place of sale, and the name of the owner of such property, when known and when not known, stating such fact ; which said notice shall be posted on the door of the county court house, and in three conspicuous places in the election precinct where such property is situated.
Manner of enforcing their payment.	If said property be real estate, it shall be sold at the county court house ; and if personal property, it shall be sold in the election precincts where the property is situated ; the purchaser or purchasers of all or any property sold for the payment of any taxes levied by this Act, shall, at any time, freely enjoy the right to enter and take possession thereof, on whose land soever the same may be found ; <i>Provided</i> , that if such assessment shall be due on personal property, any real estate of the party owning such personal property or any other personal property,
Sale of property.	
Manner of sale.	
Title.	

belonging to him, may be sold under the provisions of this section for the payment of said assessment.

SEC. 38. All taxes collected under the provisions of this Act for State purposes, shall be collected in the legal currency of the United States, or in foreign coin at the value fixed by the laws of the general government, or in clean and pure gold dust, at the rate of seventeen dollars and fifty cents per ounce, Troy weight; or in Bonds of the State with the interest due thereon, which Bonds are known as the three per cent. Bonds; and the same shall be paid to the County Treasurer, and the Sheriff shall take duplicate receipts therefor, as provided for in the next section of this Act. The Sheriff and his bondsmen shall be held responsible for the payment of all taxes collected by him, in such funds as are specified in this section; all funds collected for County purposes shall be collected in the same funds required in this section for State purposes, except said three per cent. Bonds; *Provided*, however, that the provisions of this Act shall not be construed so as to conflict with the execution of any laws that have been or may be enacted, authorizing any County in this State to fund the debt of the same, and prescribing the manner of assessing and collecting taxes, and license taxes, for County purposes.

Funds received in
payment.

Responsibility of
Sheriff.

Exceptions.

SEC. 39. The Sheriff shall, on the first Monday of December, in each year, attend at the office of the County Treasurer, and then and there present under oath, to the County Treasurer and the County Auditor, a correct account of all his transactions as Collector of Taxes; and shall, at the same time, account for and pay over to the County Treasurer, any and all funds in his hands not previously paid over; which account shall be in writing, signed by the Sheriff, and countersigned by the Auditor and Treasurer, and shall be filed in the office of the County Auditor.

Sheriff shall ac-
count and pay
over to County
Treasurer.

SEC. 40. It shall be the duty of the County Treasurer, in all settlements with the Sheriff, to administer an oath to said Sheriff, requiring him to state whether the moneys or gold dust paid by him to the Treasurer, are the same which he collected; and that the Bonds received by him were received at their par value, with the interest due thereon. No officer shall be allowed any interest on the State Bonds receivable for taxes, after the time said Bonds were received; which time shall be noted on the Bonds, with the amount of interest allowed thereon.

Mode of settle-
ment.

SEC. 41. The Sheriff shall, on the said first Monday in December, make a return in duplicate to the County Treasurer, of all unpaid taxes for the year, with the names of all delinquent tax payers, if known; and thereupon the Sheriff shall proceed to collect and enforce the payment of all such unpaid taxes, in manner and form as provided for the collection of taxes in this Act; said duplicate return shall be placed on file in the office of the Treasurer. The County Treasurer shall make a return, under oath, to the Treasurer of State, of all State taxes remaining unpaid in his county, in conformity with the return made to him by the Sheriff.

Return of unpaid
property and de-
linquents.

County Treasu-
rer's return.

Final settlement
of Sheriff.

SEC. 42. On the first Monday of March in each year, the Sheriff, the County Treasurer, and the County Auditor, shall attend at the office of the County Auditor, and the Sheriff shall then and there make a final settlement for the year with said Auditor and Treasurer for the amount of all taxes with which said Sheriff stands charged, in the manner following :

Manner.

First: The Auditor shall take from the duplicate in the hands of the Sheriff for collection, a list of all such taxes, therein describing the property on which such delinquent taxes are charged, as the same is described in such duplicate, and shall note therein, in a marginal column, the reasons assigned by the Sheriff why such taxes could not be collected.

The same.

Second : Such list shall be signed by the Sheriff, and he shall also testify to the correctness thereof under oath or affirmation, to be administered by the Auditor.

The same.

Third : The Auditor shall forthwith record such list of delinquencies in his office, and thereupon forward the same to the Comptroller of State.

The same.

Fourth : After deducting the amount of taxes returned delinquent, and the fees for collection allowed to the Sheriff, from the several charges taxed on the duplicate, in a just and ratable proportion, the Sheriff shall be held liable for the balance, and shall thereupon pay such balance to the Treasurer. The Auditor shall thereupon balance the Sheriff's account, by crediting the Sheriff with the amount of delinquent taxes, and with all moneys paid to the Treasurer, together with his commissions for collecting. No further taxes shall be collectable on such duplicate, but all delinquent taxes up to the said first Monday of March shall be added to the list of taxable property to be made out for the next year.

Penalty for not
making settle-
ment.

SEC. 43. If the Sheriff shall refuse or neglect to make the returns and settlements with the Treasurer and Auditor of his County, as in this Act specified, he and his sureties shall be held liable to pay the full amount of taxes charged upon the duplicate respecting which he so long neglects or refuses to make return or settlement, together with twenty per cent. damages ; and if any Sheriff shall neglect or refuse to pay over all funds as he is required in this Act to do, he and his sureties shall be held liable to pay the full amount which he should have paid over, together with twenty per cent. damages ; and in any such case, the District Attorney, on being instructed so to do by the Comptroller of State, or by the County Court of the County, shall cause suit to be instituted against such Sheriff and his sureties ; and no stay of execution, or exemption of any property, shall be allowed on a judgment rendered on execution issued in such suit.

Collections to be
held subject to the
order of the Treas-
urer.

SEC. 44. Each Sheriff and each County Treasurer shall, after the receipt of any revenue belonging to the State, hold himself ready to pay to the Treasurer of State on the Warrant or order of said Treasurer, endorsed by the Comptroller, all state revenue collected to the date of said Warrant or order, less his lawful fees ; and the Sheriff shall retain such Warrant or order as a voucher, and the amount thereof shall be allowed to

him on his settlement with the County Treasurer; and the County Treasurer shall retain such Warrant or order as a voucher, and the amount thereof shall be allowed to him on his settlement with the Comptroller of State.

SEC. 45. The lien of the State for all Taxes for State and County purposes, shall attach on all real and personal estate on the first day of March, annually, and such lien, to the absolute exclusion of all other liens, shall continue till all taxes thereon shall be paid, including in the lien on real estate the assessed value and taxes on all personal property owned by holders of real estate. Taxes shall be a lien.

SEC. 46. Whenever any tax is paid, the Sheriff shall note the same on his duplicate, and shall give to the person paying the same a receipt specifying the amount paid, what paid for, the property on which the same was assessed according to its description, and the owner's name on the duplicate. Payment of taxes.

SEC. 47. The County Treasurers of the Counties of San Francisco, Sacramento, San Joaquin, Yuba and Tuolumne, shall settle and pay over to the State Treasurer on the third Monday of December, the third Monday of March, the third Monday of June, and the third Monday of September, any and all Funds which shall come into their hands as County Treasurers for the use and benefit of the State. The Treasurers of all other Counties shall settle and pay over to the State Treasurer all Funds which shall come into their hands as County Treasurers for the use and benefit of the State, on the third Monday of December, and on the third Monday of June in each year. The County Treasurers, in consideration of the safe keeping of the State Funds, shall be entitled to receive one per cent. on the amount paid by them to the Treasurer of State. When County Treasurers shall pay over.

SEC. 48. Neither the Sheriff nor the County Treasurer shall use, employ, loan, or in any manner, directly or indirectly, place out of his or their possession, any of the funds which may come into his or their hands, under the provisions of this Act; but shall safely keep said funds inviolate, to be paid over as herein provided. Any officer violating the provisions of this section, shall be deemed guilty of felony; and shall, on conviction, be fined in a sum not less than five thousand dollars for each offence, or imprisoned in the State prison for a term of not less than two years, or be punished by both such fine and imprisonment; and shall, at once, be removed from office. Tax funds shall not be used in any manner.

SEC. 49. The County Treasurer shall be allowed twenty cents per mile for travelling fees, in going to and returning from the seat of government, in order to pay into the Treasury moneys collected on account of State revenue, at the times required by law; to be computed by the Comptroller of State, according to the distance, on the route most usually traveled. Penalty.

SEC. 50. The Board of Equalization for each County shall, on or before the third Monday in April, annually, assess the amount of taxes that shall be levied for County purposes, designating the number of cents, which shall not exceed fifty on each one hundred dollars of taxable property, real or personal, levied Board of Equalization. Shall compute County tax.

for such purposes; and shall add thereto the amount levied by law on each one hundred dollars of property taxable, real and personal, and Poll tax for State and County purposes, which shall be entered on the records of said Court; and the Clerk thereof shall forthwith make out certificates of the same, one of which he shall deliver to the County Auditor, and the other to the County Treasurer; *Provided*, the assessment for the present year shall not commence until the first Monday of May.

State tax.

Poll tax.

Duties of Clerk.

Delinquent tax may be paid.

SEC. 51. Delinquent taxes may, at any time before the land is sold therefor, with the penalty, interest and damages thereon, be paid into the County Treasury at any time after the delinquent list is returned, as herein provided; and the person so paying taxes, shall file the Treasurer's receipt therefor with the County Auditor, and take his receipt therefor, which he shall file with the Treasurer of the proper County.

Officers under the law.

Duties.

SEC. 52. The Treasurer, the Sheriff, the Assessor, the Auditor, the Clerk of the Board of Equalization, and each member of such Board, shall each separately perform the duties required of him in his office, and shall not perform the duties of any two such officers; and any such officer who shall at the same time perform the duties of any two such officers, in any matter connected with the public revenue, except in the manner expressly authorized by law, shall be deemed guilty of a fraud, and on conviction thereof shall be punished by imprisonment in the County jail, not less than six months, nor more than one year, or by fine not less than two hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Penalty for neglect.

Board may remove an Assessor.

SEC. 53. It shall be the duty of the Board of Equalization, and they are hereby required to immediately remove any Assessor from office, who shall neglect or refuse to discharge the duties herein required of him, or who shall violate any of the provisions of this Act, and to appoint and qualify another in his place; such Assessor shall have the privilege of making an appeal to the County Court, from the decision of the Board of Equalization.

Assistance in enforcing the law.

SEC. 54. The Sheriff of any County may command the same assistance for enforcing the collection of taxes, as is by law allowed to him in the execution of process, and any Sheriff who shall wilfully or intentionally neglect or refuse to enforce the collection of taxes in his County, shall, on proof of such neglect or refusal, be subject to removal from office, as provided by law for the removal of civil officers, otherwise than by impeachment.

Sheriff's fees.

SEC. 55. The Sheriff shall be allowed for collecting all taxes, except poll tax, the following rates, viz: ten per centum on the first thousand dollars collected; eight per cent. on any sum between one thousand and two thousand dollars collected; six per cent. on all sums between two thousand and five thousand dollars collected; and three per cent. on all sums above five thousand dollars; which per centage shall include all compensation for the collection of the same.

ARTICLE II.

CONCERNING POLL TAX.

SEC. 56. Each male inhabitant of this State, over twenty-one years of age, and not by law exempt from poll tax, shall pay a poll tax for the use of the State and County, to be divided in the manner specified in section twenty-one, of three dollars; *Provided*, he shall pay the same to the Assessor between the first Monday of March and the first Monday of September in each year; and in default of paying the same to the Assessor within the time specified, each such inhabitant shall pay a poll tax of five dollars for the use of the State and County, the collection of which shall be enforced by the Sheriff, whether demand thereof shall have been made by the Assessor or not; and whether the name of such inhabitant be listed by the Assessor or not; and the Sheriff shall receive one dollar for each five dollars of poll tax by him lawfully collected, at any time from the first Monday of September to the first Monday of March in each year.

Who are liable.

Amount.

Time of payment and penalty for refusal.

SEC. 57. No person shall be deemed or held to have paid his poll tax, unless he be able to exhibit a receipt therefor, issued from the office of the Comptroller of State, or otherwise lawfully prove the payment of the same.

Receipt.

SEC. 58. The Comptroller of State shall, immediately after the passage of this Act, for the present year, (and thereafter before the first day of March in each year,) cause proper blank receipts for poll tax to be printed by the State Printer, of a uniform appearance, (changing the style thereof each year,) and shall cause a number thereof equal to double the probable number of inhabitants in each county liable to poll tax, to be immediately forwarded to the County Treasurer of each county, who shall sign and number them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose, and thereupon deliver them to the Clerk of the Board of Equalization, who shall in turn likewise sign them, and make an entry thereof in a book to be by him kept for that purpose.

Comptroller of State to prepare blank receipts for County Treasurer and Clerk of Board.

SEC. 59. The Clerk of the Board of Equalization shall issue to the Assessor, at any time between the first Monday of March and the first Monday of September in each year, and to the Sheriff at any time between the second Monday of September and the first Monday of March, following, in each year, when either such officer may require them, during such intervening periods fixed for each, so many of such executed receipts for poll tax, as may be needed.

Who shall issue to Assessor.

SEC. 60. No receipts for poll tax, other than those mentioned in the third section of this Article, shall be used or given for the payment of any such tax; and any Assessor or Sheriff who shall receive any poll tax without delivering the proper receipt required by law, shall be deemed guilty of a misdemeanor for each unlawful receipt so delivered; and on conviction thereof, shall be punished

Receipt for poll tax.

Penalties for non delivery. by imprisonment in a County Jail not less than three months, nor more than one year, and by fine not less than two hundred, nor more than one thousand dollars for each offence.

Collector to give receipts for certificates. SEC. 61. Upon receiving such executed receipts from the Clerk of the Board of Equalization, the officer authorized to collect the poll tax for the time being, shall give a receipt to said Clerk for the same; and the said Clerk shall immediately charge the same to the officer so receiving them. All such receipts delivered shall be filled out with the sum of three dollars, and three dollars shall be charged to him for each one so delivered; and all such receipts delivered to the Sheriff shall be filled out with the sum of five dollars, and five dollars shall be charged to him for each one so delivered.

Settlements. SEC. 62. On the first Wednesday after the first Monday of September in each year, the Treasurer, the Assessor, and the Clerk of the Board of Equalization of each County, shall attend at the office of the Treasurer and make a settlement with the Assessor for all said receipts received by him; and the Assessor shall thereupon pay over to the County Treasurer all moneys received by him for poll tax, deducting therefrom ten cents for each one dollar so collected. The Assessor and his bondsmen shall be held responsible for the payment of three dollars for each receipt received by him, and not returned on such settlement to the said Clerk, less ten per cent. for the collection thereof; and in default of any payments required of the Assessor, the District Attorney shall cause suit to be instituted against him and his sureties in the like manner, and with the same penalties as provided in the forty-third section of this Act, for suits against the Sheriff and his sureties.

Responsibility of Assessor. SEC. 63. The Board of Equalization of each County shall exact an additional Bond from the County Assessor, with additional sureties in such penal sum as the said Board shall deem necessary to insure the faithful and prompt payment, to the County Treasurer, of all moneys received by such Assessor for poll tax.

Penalty for failure of duty. SEC. 64. The County Clerk shall be ex-officio the Clerk of the Board of Equalization, except when a Clerk shall be especially elected by such Board according to law.

Assessor to give additional bond. SEC. 65. Any Assessor who shall pass or attempt to pass any receipt for poll tax, from the first Monday of September of each year, to the first Monday of March following, shall be deemed guilty of fraud, and on conviction thereof, shall be punished by imprisonment in the County Jail for not less than six months, nor more than one year, and shall be removed from office.

Clerk of Board of Equalization. SEC. 66. The Assessor, on or before the second Monday of September in each year, shall make return to the Sheriff of the names of all persons who have been listed for such year in his County, and shall mark "paid" the names of all who shall have paid their poll tax, for such year.

When poll tax shall not be collected. SEC. 67. After the second Monday in September in each year, the Sheriff shall proceed to enforce the collection of all poll tax remaining unpaid in his County, receiving the proper receipts from the Clerk of the Board of Equalization, in like manner and under the same responsibilities, in all respects, as the Assessor.

Penalty.

Assessors returns.

Unpaid tax.

SEC. 68. To enforce the collection of poll taxes, the Sheriff or Assessor may seize every and any species of property, right, claim or possession whatsoever, except agricultural or grazing lands and pre-emption claims, thereto owned, claimed, or in the possession of any person liable to and refusing to pay his poll tax, or in the possession of any other person and belonging to such person so refusing to pay such poll tax, and may sell the same at any time or place, upon giving a verbal notice one hour previous to such sale; and any person indebted to another, liable to poll tax, who shall neglect or refuse to pay the same, may pay the same for such other, and deduct the amount thereof from such indebtedness. The Sheriff, after having deducted the poll tax for which such property was sold, and the necessary fees and costs of the sale, shall return the surplus of the proceeds to the owner of the property. A delivery of the possession of the property by the Sheriff or Assessor to any purchaser at any such sale, shall be a sufficient title in the purchaser, without the execution of a deed therefor by the Sheriff or Assessor. No person who shall neglect or refuse to pay his poll tax, shall be allowed to appear as a plaintiff, nor to defend any possessory or other action, in any Court in this State, except in criminal cases only; and any person appearing in any Court in this State, for any purpose, after the first Monday of September, in each year, shall not be heard nor allowed by any Judge or Justice of the Peace to transact any business therein, until he shall have paid his poll tax. Before paying a witness or jurymen his fees of attendance, the Clerk of the County, or Justice of the Peace, as the case may be, shall require the witness or jurymen demanding his fees, to produce satisfactory evidence that he has paid his poll tax; and failing to produce such evidence, the Clerk or Justice shall deduct the amount of his poll tax from the amount due the witness, or jurymen, and pay him the residue, if there be any, and shall pay over to the County Treasurer the amount of tax so collected, and deliver the Treasurer's receipt for the same to the Auditor of the County.

Enforcement.

What description of property may be sold.

Manner of sale.

Title of property sold under this Act.

Penalties for non payment of poll tax.

SEC. 69. The Sheriff, at the settlement required of him on the first Monday of December in each year for other taxes, shall, at the same time, settle for all poll taxes collected by him, and shall pay over to the Treasurer four dollars for each poll tax receipt which he shall have received from the Clerk of the Board of Equalization, and which he shall not then return or exhibit as still remaining uncollected; and in settling his account for taxes on the first Monday of March in each year, the Sheriff, and also the Auditor, and the Clerk of the Board of Equalization, shall attend at the office of the County Treasurer, and the County Treasurer shall then and there settle with the Clerk of the Board of Equalization, and with the Sheriff, for all poll tax receipts, signed by the Treasurer and delivered to the said Clerk; and the said Clerk and his sureties shall be held responsible for all such poll tax receipts so delivered to him, which he shall not then return, or be able to account for with receipts or vouchers from the Sheriff or the Assessor; and the Sheriff shall then pay over four dollars for each poll tax receipt by him

Settlement of Sheriff.

Time of Officers shall attend.

Manner of settlement.

Receipts to be
destroyed.

received and not then and there returned; and all the poll tax receipts returned by the assessor, the Sheriff, and Clerk of the Board of Equalization for that year, shall be then destroyed, and no poll tax receipt shall be valid for the coming year, after the first of March in each year.

Penalties for false
receipts.

SEC. 70. Any person or persons who shall pass, sell, or transfer, or attempt to pass, sell, or transfer, or who shall forge, or fraudulently issue any receipt or receipts for poll tax contrary to the spirit and intention of this Act, shall be deemed guilty of fraud, and on conviction thereof shall be punished by imprisonment in the State Prison for not less than two years, nor more than five years.

Duties of County
Auditor under
this Act.

SEC. 71. At the settlement with the Sheriff required on the first Monday of December in each year, it shall be the duty of the County Auditor, and he is hereby required to forthwith transmit to the Comptroller of State, a certified statement of the amount of all poll taxes paid over to the County Treasurer of his County up to that time, and he shall deliver a duplicate of such statement to the County Treasurer; and on the final settlement on the first Monday of March in each year, the County Auditor shall immediately, upon the conclusion thereof, transmit a certified statement to the Comptroller of State, stating therein the number of all receipts for poll tax issued by the County Treasurer to the Clerk of the Board of Equalization, and also the number of such receipts issued by the said Clerk to the Assessor, and also the number of such receipts returned by the Assessor, and the number of such receipts issued by the said Clerk to the Sheriff, and the number returned by the Sheriff, and also the number of such receipts returned by the Clerk of the Board of Equalization; and also the number of such receipts then destroyed.

ARTICLE III.

CONCERNING CONSIGNED GOODS.

What are, under
this Act.

SEC. 72. All goods, wares, merchandise, provisions, or any other property whatsoever, brought or received within this State from any other State, or from any foreign country, to be sold in this State, any part or portion of which shall be owned by any person or persons not domiciled in this State, are hereby declared to be consigned goods, within the intent and meaning of this Act.

Domicile.

SEC. 73. The word "domicile," in this Act, shall be construed to mean the place where a person has established his home and made the seat of his property and business.

License to sell.

SEC. 74. No person or persons shall sell any consigned goods in this State, without first obtaining a License to sell the same, in the manner provided in Article third, of this Act.

Penalties for not
obtaining.

SEC. 75. All and every person or persons who shall sell any consigned goods, exceeding in value the sum of two hundred dollars, without having the License required by this Act, shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be

fined not less than fifty, nor more than five hundred dollars, for each sale made, together with two per cent. on the whole amount of every such sale; and for each offence thereafter, by the same person, such fine shall be doubled. But nothing in this section shall be construed to affect any Clerk acting for another having a lawful License, and not in opposition to the spirit and intention of this law.

SEC. 76. Any person or firm wishing a License to sell consigned goods, shall be entitled thereto, upon executing a lawful Bond to be prepared by the County Auditor, payable to the State of California in the penal sum of five thousand dollars, in the Counties of San Francisco, San Joaquin, and Sacramento; (and in a less penal sum in other Counties, if so ordered by the County Judges,) conditioned for the faithful payment and performance of all duties required in this Article, with two or more sufficient sureties, to be approved by the County Auditor of the proper County, who shall endorse his approval thereon without charge, except three dollars to the applicant for each Bond used. The applicant shall then file such Bond with the County Treasurer, who shall thereupon, without charge, immediately issue to him a License to sell consigned goods, at the place to be mentioned and described in the License. The License shall then be delivered to the Deputy Collector, (or to the Sheriff, if there be no Deputy Collector in the County,) to be by him attested; and thereupon the person or firm obtaining the same, may freely sell any consigned goods at the place therein mentioned. Such License shall not be issued for a shorter period than one month; but the same License may continue from year to year; *Provided*, the said Bond shall be annually renewed.

Bond to be given
and filed with
County Treasurer

Licenses to be
signed by Deputy
Collector.

SEC. 77. All and every person or persons selling any consigned goods within this State, shall be subject to a tax for the use of the State, at the rate of eighty cents on each one hundred dollars of the amount of all and every sale or sales, which tax shall be paid by the person making the sale; and each and all such person or persons shall have a lien on the owner or owners of such consigned goods for the amount of the tax paid, and may deduct the same from the proceeds of such sales.

Amount of tax.

To be a lien.

SEC. 78. The amount of the property and interest in any consigned goods which shall be owned by any person or persons domiciled in this State, shall not be subject to tax under Article third of this Act.

Who are subject
to payment of tax.

SEC. 79. When any goods, wares, merchandise, or other commercial property, shall be sold in one County, for or on account of any person or persons in another County in this State, the same shall be deemed and held to be consigned goods, within the meaning of this Act, unless it be proved by the written statement of the consignor, or otherwise, to the satisfaction of the Deputy Collector, or of the Sheriff when there shall be no such Deputy, that such property is owned by a citizen or other person domiciled in this State.

Goods sold in one
County owned in
another.

SEC. 80. The Sheriff of each County in which the Board of Equalization shall so direct, and the Sheriffs of the Counties of San

Sheriff may appoint Deputies in certain counties.

Their bond.

Liable for his acts.

Amount of bonds.

Powers and capabilities of Deputy Collectors.

Duties.

Shall keep a list of Auctioneers.

Receive their bonds.

County Treasurers' duties.

Francisco, San Joaquin and Sacramento, without such direction, shall each appoint, in addition to their other Deputies, a Special Deputy, who shall be denominated a Deputy Collector, and shall take from such Deputy a Bond, with two or more sufficient sureties, to be approved by the County Judge, conditioned for the faithful performance of the duties required of him by this Act, and for the prompt payment, in the manner prescribed by law, of all moneys which he shall receive by virtue of his office. But each Sheriff and his sureties shall be liable for the official acts of such Deputy. The penal sum of such Bonds shall be twenty thousand dollars in the County of San Francisco; ten thousand dollars in the Counties of Sacramento and San Joaquin; and five thousand dollars in all other Counties, unless the Board of Equalization of such Counties shall otherwise direct.

SEC. 81. All special Deputy Collectors, appointed under Article third of this Act, shall have power to administer oaths and affirmations; and each, respectively, shall be a good accountant, and practically acquainted with the business of Commission Merchants and Auctioneers in this State; and shall not be directly or indirectly interested in any business as an auctioneer, nor in the sale of consigned goods. It shall be the duty of such Deputy Collectors, and each of them, and they are hereby authorized and required to arrest any person or persons who shall violate the provisions of the seventy-fifth section of this Act; and to assist the District Attorney in their conviction, and to prevent the sale of any consigned goods in violation of this Act; to prevent all sales by unlicensed Auctioneers, and by any Auctioneer having a License and refusing to pay the duties imposed by law, in the manner and with the examination herein required; to ascertain the amount of sales of consigned goods in the manner required in this Article; to ascertain the amount of sales of each and all licensed auctioneers, by a personal examination of his or their accounts, and to report the same quarterly to the County Auditor; to collect all duties imposed upon auctioneers, and all taxes imposed upon persons selling consigned goods, in the manner and to the extent provided in this Article; and to have such general supervision over the public revenue to be derived from these sources, as the interests of the State may require.

SEC. 82. Whenever a Deputy Collector shall be appointed for any County, as provided in this Article, the County Treasurer of such County shall immediately ascertain the names of all licensed Auctioneers acting as such in his County; and thereafter, all Auctioneers' Bonds given in such County, shall be filed in his office. It shall be the duty of each such County Treasurer to open and account with each and every person or firm licensed as Auctioneers, and also with each and every person or firm licensed to sell consigned goods in his County, and shall cause a blank receipt endorsed by him, to be filled out for each month, with the name of each person or firm, respectively, to whom such licenses have been issued; and shall also fill up, in like manner, an equal number of blank statements, having a proper blank affidavit attached thereto,

which receipts and statements shall be given to the Deputy Collector, (taking his receipt therefor,) to be used by him in collecting the duties imposed by this Article. The blank statements so issued, shall be filled up with the true amount of sales, as rendered by the person or firm named therein, who shall thereupon subscribe and swear, (or affirm,) to the affidavit attached thereto. Statement of sales.

SEC. 83. Any Auctioneer who shall refuse to produce his sales, book or books, and all his other accounts of sales for each month, to the Collector for examination, or who shall neglect or refuse to render full and true account of sales as required by this Article, shall forfeit the sum of two thousand dollars, together with his License; and every person or firm having a License to sell consigned goods, who shall neglect or refuse to render a true account, in the statement presented by the Deputy Collector, or by the Sheriff, as the case may be, of the amount of all sales of consigned goods made by or for him or them in the County, for each month, and subscribe and swear (or affirm) to the truth of such statement, or cause the same to be subscribed and sworn by a Clerk or agent knowing the same to be true, shall forfeit the Bond given for his or their License. Whenever the Collector has good reason to believe that any person or persons have sold or disposed of any consigned goods, or is about to do so, without having procured the License required by this Act for the sale of such consigned goods, he shall have the right, and is hereby authorized and directed to examine all books, invoices, and business papers of such person or persons, in order to ascertain if sales of consigned goods have been made by, or if any goods have been consigned for sale to such person or persons. A refusal on the part of such person or persons to permit the examination aforesaid, or to exhibit his or their books, invoices, and business papers, or to answer under oath such questions as may be put by the Collector relative to the receipt and sale of any consigned goods, shall be deemed guilty of a misdemeanor, and he or they, on conviction thereof, shall be punished by fine of not less than one hundred nor more than one thousand dollars; and each subsequent refusal shall be deemed a repetition of the offence. Penalties for non-compliance with the provisions of this Act.

SEC. 84. The said Deputy Collector is hereby required to report to the County Treasurer, and to the District Attorney, the names of all Auctioneers and all persons selling consigned goods in his County, who shall neglect or refuse to render a statement of sales as required by this Article. All Auctioneers, and all persons selling consigned goods, who shall neglect or refuse to pay the duties herein imposed, shall forfeit double the amount thereof, together with their License. In the absence of any Bond, the District Attorney is hereby authorized to proceed by attachment against any ship, vessel, steamer, or other property whatsoever, owned or under the management of any person or persons violating the seventy-fifth section of this Act. The duty of Collector in enforcing them.

SEC. 85. Between the first and fifth of each month, the County Auditor shall attend, with the Deputy Collector, at the office of the County Treasurer, and the said Deputy Collector shall then and there deliver up to the County Treasurer all the statements, and To report all delinquents.

Settlement of Deputy Collector.

pay over all the funds received by him up to such period; the County Treasurer shall thereupon cause the amount of sales returned on each such statement to be entered in the proper account, charging the Deputy Collector with the proper duties on each amount of sales as specified in the said returned statements, and crediting the said Deputy Collector with all funds paid over; and thereupon the said Treasurer shall deliver all the said statements returned, to the County Auditor.

Penalty for failure
of Deputy to make
a settlement.

SEC. 86. Whenever the Deputy Collector shall fail, between the first and fifth of each month, to render a full and true account of all receipts and statements received by him, he shall be deemed, *prima facie*, to have been guilty of a fraud, and shall be at once suspended from office by the Sheriff. Whereupon another shall be appointed in like manner, and upon being qualified shall act in his stead. If the said Deputy Collector so removed from office, shall be convicted of such fraud he shall be punished by imprisonment in the State prison not less than six months nor more than two years, and by fine not less than five hundred nor more than three thousand dollars, to be paid for the use of the County in which such Deputy Collector shall have been convicted.

Abstract to be for-
warded to Comptroller.

SEC. 87. It shall be the duty of the County Auditor to forward quarterly, to the Comptroller of State, an abstract of the whole amount of sales in his County by Auctioneers, and persons selling consigned goods, appearing by the statements on file in his office, for each quarter of the fiscal year.

Fees of Collectors.

SEC. 88. The fees allowed for collecting, keeping, and paying over the duties or taxes herein imposed upon Auctioneers and persons selling consigned goods, shall be as follows: to each Deputy Collector, three per cent.; to each of the Sheriffs of San Francisco, Sacramento and San Joaquin, who shall appoint a Deputy Collector in the manner provided, one per cent.; and to the County Treasurer, in consideration of his extra labor and expenses herein required, two per cent. on all sums so collected.

Sheriff to perform
the duties of Col-
lector in certain
counties.

SEC. 89. The Sheriff of each County in which no such Deputy is required to be appointed, and the Sheriff of each of the Counties of San Francisco, Sacramento and San Joaquin, during the absence or necessary suspension of his said Deputy, shall perform all the duties required in this Act to be performed by such a Deputy, and shall receive therefor the same per centage allowed to his said Deputy, and no more; and when so acting, the Sheriff shall be deemed and held in all respects to be the same as his said Deputy.

To receive the
same fees.

Sales at Auction.

SEC. 90. All sales at auction, by licensed Auctioneers, of any part or parcel of any merchandise or other property, with a design to ascertain and fix a price for the whole or any part thereof, without exposing the whole, or such other part to public sale, shall be deemed a sale at auction of the whole, or such part of the property the price of which was designed to be fixed by such public sale of the part; and duties shall be paid thereon accordingly, for all, or so much thereof as shall be disposed of by private agreement or otherwise.

SEC. 91. The duties hereafter imposed on Auctioneers shall be

and the same are hereby made equal and uniform upon all sales of personal property, at the rate of one dollar and fifty cents on each one hundred dollars; and upon all sales of lands including houses and buildings erected thereon, the same rates now imposed by law upon real estate.

Duties on personal property.

On real estate.

SEC. 92. All the revenue derived from the taxes or duties specified in this Article, less the expenses for collecting the same, shall be certified to the Comptroller of State by the County Auditor, and paid to the State Treasurer by the County Treasurer, at the time and in the manner provided for certifying and paying over other State taxes. The whole amount of taxes collected under the provisions of this Article, shall be for the use of the General Fund.

Revenue to be paid to State Treasurer.

ARTICLE IV.

CONCERNING PRIVATE AND INCORPORATED COMPANIES AND ASSOCIATIONS.

SEC. 93. All moneyed or stock corporations, or private associations, and all companies and associations for mining purposes, whether the same be or be not incorporated, and whether the capital stock of such corporation, private association, or mining company, be located in or without the limits of this State, shall be liable to taxation in the manner hereinafter prescribed.

Associations liable.

SEC. 94. The President, Cashier, Secretary, Treasurer, agent, or other proper officer or manager of every incorporated company, and of each mining company or association that is now or shall hereafter be, under and by virtue of any law of this State authorizing the same, or that may exist by virtue of the laws of any other State, or by virtue of any private or individual agreement, who derive an income or profit on their capital in this State, or who have capital invested in their machinery, dam or dams, canal or canals, or other works for mining purposes; and the principal persons having charge of the affairs of every private association engaged in selling foreign bills of exchange, drafts or certificates of deposit, on capital within this State, shall, on or before the second Monday of May annually, make and deliver, on application to the Assessor of the County in which the company or private association is liable to be taxed, and in the same manner as is required by this Act, of all private citizens or inhabitants within this State, a written statement, specifying,

Officers to make returns.

The time.

First: The real estate, if any, owned by any such company or private association—the County or Counties in which it is situated, and the sums of money actually paid therefor, or the actual value thereof.

Mode of making the return.

Second: And the present value of all machinery, and of all works and improvements.

The same.

Third: The city, town, or place in which the principal office, or place of transacting the financial business of such company or private association is situated, or if there be no such principal office,

The same.

the place where its operations are carried on ; and such statements shall be certified under the oath of such President or other officer or person, to be in all respects just and true.

Penalty for non-compliance.

SEC. 95. If the statement required in the first preceding section shall not be furnished within twenty days after the time therein specified, each company or private association neglecting or refusing to furnish such statement, shall be listed and assessed by the Assessor, for double the reputed value of the stock and property of such company or private association ; and the Sheriff shall have, and is hereby given, the same power and authority to enforce the collection of taxes imposed upon any such company or private association who shall neglect or refuse to pay the same as are conferred on him by this Act, to enforce the collection of Poll tax.

Powers of Assessors.

SEC. 96. The Assessors of the several Counties shall enter all companies and private associations from which such statements have been received, and the property of such company or private association on their assessment rolls, in the same manner, as near as may be, as is required in other cases, showing the names of such company or private association, the amount of capital stock paid in, the value of all their personal property and improvements, and the amount of such capital out of this State, on the faith and credit of which they are transacting business in this State, the value of all real estate, then belonging to said company or private association ; *Provided*, that said associations shall be taxed only upon the amount of property owned by them, whether in money or improvements made by moneys paid in.

Return of delinquents.

SEC. 97. If the Sheriff shall be unable to collect the taxes from any such company or private association, he shall return the same to the County Auditor, as in other cases of delinquent taxes, noting the reason why he could (not) collect the same ; and the County Auditor shall thereupon certify the same to the Comptroller of State.

Conflicting laws repealed.

SEC. 98. The Act entitled " An Act prescribing the mode of assessing and collecting the public revenue," passed March thirtieth, eighteen hundred and fifty ; and the Act entitled " An Act prescribing the mode of assessing and collecting the public revenue," passed May first, eighteen hundred and fifty-one, except so far as not to release any person or property from any liabilities incurred during the time such laws were in force, are hereby repealed ; and so much of the Act entitled " An Act prescribing the mode of appointing Auctioneers, and defining their duties," passed April twenty-second, eighteen hundred and fifty, as necessarily conflicts with the provisions of this Act, together with the whole of the fourteenth, fifteenth, sixteenth, seventeenth and twentieth sections of the last mentioned Act, are hereby repealed so far only as they affect the Counties of San Francisco, San Joaquin, and Sacramento, and so far only as they shall affect any County in which a special Deputy Collector shall be appointed, as specified in Article third of this Act.

Commencement of the Act.

SEC. 99. This Act shall take effect from and after its passage.

APPROVED, April 23, 1852.

CHAPTER IV.

AN ACT

To provide for the disposal of the five hundred thousand acres of Land granted to this State by Act of Congress, that the people of the State of California may avail themselves of the benefits of the eighth section of the Act of Congress approved fourth April, eighteen hundred and forty-one, Chapter sixteen, entitled "An Act to appropriate the proceeds of the sales of the Public Lands and to grant pre-emption Rights;" the following provisions are hereby enacted:

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The Governor of this State is hereby authorized to issue Land Warrants for not less than one hundred and sixty and not more than three hundred and twenty acres in one Warrant, to the amount of five hundred thousand acres, which Warrants when so signed and issued by the Governor shall be countersigned by the Comptroller and by him be deposited in the office of the Treasurer of State for sale, charging the same to account of the Treasurer.

The Governor to issue Land Warrants, countersigned by the Comptroller and deposited in the office of the State Treasurer.

SEC. 2. The Treasurer of State is hereby authorized on application to him therefor, to sell said Land Warrants for two dollars per acre, in the lawful currency of the United States, in State Scrip or Comptroller's Warrants drawn upon the general fund, or bonds of the civil debt of the State, now due, the interest, if any thereon, to be included in the aggregate of such payment, and the said Treasurer is required to convert all lawful moneys of the United States, and all State three per cent. Bonds, or Comptroller's Warrants so received by him into Bonds of the civil funded debt of the State, bearing seven per cent. interest per annum, and to keep such Bonds as a special deposit in his custody, marked "School Fund," to the credit of said School Fund. All interest falling due on said Bonds so set apart to the credit of the School Fund shall be semi-annually placed to the credit of said School Fund. All State three per cent. Bonds, or Comptroller's Warrants so converted by him into seven per cent. Bonds as above provided, shall be cancelled and destroyed in the manner now provided by law.

State Treasurer authorized to sell Land Warrants.

State scrip, warrants, or three per cent. bonds received in payment.

SEC. 3. The parties purchasing such Warrants and their assigns are hereby authorized in behalf of this State to locate the same upon any vacant and unappropriated lands belonging to the United States within the State of California subject to such location, but no such location shall be made unless it be made in conformity to the law of Congress, which law provides that not less than three hundred and twenty acres shall be located in a body.

Revenue received under this Act to constitute the School Fund.

Purchasers of Warrants to locate the same.

SEC. 4. Lands thus located shall be run off by a line north and south and east and west, and shall be sufficiently designated by

Lands must be entered.

in the office of the
Clerk of county.

lines and distances, corners, or posts as the case may be, and an entry made thereof in the office of the Clerk of the county Court of the county in which such lands shall be located.

Right of possession.

SEC. 5. The location made of the lands belonging to the United States as aforesaid, shall secure to the purchaser the right of possession to the land embraced within said survey until such time as the Government survey shall have been made, after which, said lines shall be made to conform to the lines of sections, quarter sections, and fractional sections of said Government survey, and in the event that two or more persons shall have made a location on the same section, quarter section, or fractional section, then, and in that event, the person whose location embraces the largest portion of said section, quarter section, or fractional section, shall be first entitled to said location of the same.

Two persons
claiming same
land.

Improvements.

SEC. 6. If in the survey to be hereafter made by the General Government it should so happen that the improvement made by any person purchasing and locating lands under this act, shall not compose the larger part of the first survey, then, and in that case, the party may, if they prefer it, retain that portion which has upon it their buildings and improvements, although it may be the smaller portion of said section, quarter section, or fractional section: *Provided*, nothing herein contained shall authorize such location upon any lands heretofore granted by this State, or by the General Government, or on lands at the time of such survey and location, actually occupied and improved by actual settlers, unless such location be made by the owner of such improvements, not to exceed six hundred and forty acres by any one person, *Provided*, also, that nothing herein contained shall prejudice the ownership or possession of any lands at the time of said survey and location held or claimed under grants from the Mexican or Spanish Governments, and *Provided*, moreover, that at the time of making such location the first settler, or owner of any improvements situated on the tract proposed to be located shall in all cases have the preference.

Appropriated
lands excepted.

Mexican or Spanish
grants.

Occupants to
have the preference.

Errors in locating
under this Act
may be remedied.

SEC. 7. In the event that any location of lands be made under and by the provisions of this Act, upon lands supposed to belong to the United States, which should prove to be land not the property of the United States, then and in that case the party owning such Land Warrant or Warrants, may float the same upon any other public lands in the State of California; *Provided*, the float and the reasons therefor be made a matter of record at the time in the office where the original location was recorded.

Duties of the
Comptroller.

SEC. 8. The Comptroller shall keep an accurate account of the quantity of land thus disposed of in accordance with the provisions of the foregoing sections, and the amounts received by the Treasurer, charging the several sums thus received to the Treasurer, which sum or sums shall be set aside for a general fund to meet the liabilities of the State.

Revenue to form
a General Fund.

The interest ap-
propriated for the
support of schools

SEC. 9. The interest upon the sum thus realized by the sale of the five hundred thousand acres of land granted to this State by Act of Congress, shall be and the same is hereby set apart as a

permanent fund for the support of Schools in accordance with the Constitution of the State of California.

SEC. 10. Lands located under the provisions of this Act, shall be surveyed by the County Surveyor in each county where the location is made, who shall give a certificate setting forth the bounds and the number of acres contained in such survey, and shall receive for his services such fees as are now or may hereafter be provided by law.

Surveys to be made by County Surveyors.

SEC. 11. The Clerk of the County Court shall make a record of all certificates of land located under the provisions of this Act which may have been run off by the proper officer, and shall be entitled to receive from the owner of such location three dollars for such service.

The Clerk of the County Court shall make a record.

SEC. 12. The County Surveyor of the respective counties of this State at the end of every three months from the taking effect of this Act, shall make out and forward to the office of the Surveyor General of the State, without fee for the same, a duplicate copy of each plat or survey and certificate of the location of any Land Warrant made under the provisions of this Act, in their respective counties, and for failure so to do shall be liable to a fine of not less than five hundred or more than five thousand dollars, recoverable before any court of competent jurisdiction on the complaint of any person or persons in interest.

Duties of County Surveyors and fines for neglect of same.

SEC. 13. The interest to be credited to the School Fund on all moneys received into the State Treasury under the provisions of this Act, shall be calculated at the rate of seven per centum per annum, until the Legislature shall otherwise direct.

Interest to be credited to the school fund at seven per cent. per annum.

SEC. 14. So soon as the lands which may be located under and by virtue of the provisions of this Act, shall have been surveyed by the United States and such locations are made to conform thereto, the Governor of this State shall cause patents to be issued in such manner and form as the Legislature may hereafter direct.

The Governor to issue patents.

SEC. 15. No person shall be permitted to purchase under this Act, Warrants for more than six hundred and forty acres, and shall before purchasing one of said Warrants deposit with the Comptroller an affidavit setting forth that he wants said lands for the purpose of making a permanent settlement thereon.

No person shall purchase more than 640 acres.

Affidavit.

SEC. 16. It shall not be lawful to locate any of said Warrants upon the land within the limits of any town now surveyed or laid off.

Unlawful to locate warrants on any lands within town limits.

SEC. 17. This Act to take effect and be in force from and after the first day of June, one thousand eight hundred and fifty-two.

Commencement of Act.

APPROVED, May 3, 1852.

CHAPTER V.

AN ACT

Providing a Fund for the use of a State Library.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Commissions to be paid for.

SEC. 1. That each and every officer of this State, civil and military, commissioned by the Governor, shall, on receipt of his commission, before entering on the duties of his office, pay to the Secretary of State, the sum of five dollars ; the Secretary of State shall exhibit an account of, and pay to the Treasurer at the end of each quarter, the moneys collected under this Act, and the same shall be reserved, set apart, and appropriated as a State Library Fund.

Each member of the Legislature to pay \$5.00.

SEC. 2. The Comptroller, in settling the accounts of members of the Legislature, of the present and all subsequent sessions, shall reserve from the pay of each member, the sum of five dollars, the amount thereof he shall certify to the Treasurer, whereupon the Treasurer shall transfer the same to the State Library Fund.

Directors of State Library and their duties.

SEC. 3. The Governor, Treasurer, Comptroller, President of the Senate, and Speaker of the Assembly, shall constitute a Board of Directors for the State Library. They shall have power to draw from the Treasury at any time, all moneys therein belonging to the State Library Fund, and to expend the same in the purchase of suitable furniture, books, maps and charts for the State Library, purchasing first such books on the science of Government, on Philosophy, and on History, as they shall think best suited to the wants of the Legislature.

Disposition of Library Fund.

Rules and regulations of State Library.

SEC. 4. The Directors of the State Library shall from time to time, establish all needful rules for the government, safe keeping, and judicious use of the furniture, books, maps and charts thereof, but they shall not permit any person other than themselves, and the members of the Legislature to remove from the Library, any book, map or chart thereto belonging.

Contributions to be placed in the Library.

SEC. 5. All books, maps and charts, received from the General Government, received in exchange from other States, or received from Foreign Nations, or donated to the State, by any person or corporation, shall be placed in the State Library, and shall be carefully preserved by the Librarian.

Librarian and his duties.

SEC. 6. The Secretary of State shall be Librarian, and shall be responsible for the safe keeping of all the property of the State Library. He shall cause all the books, maps and charts thereof to be impressed with the proper stamp or seal, after the same shall have been procured by the Directors aforesaid, whereby they shall be known as the property of the State Library. He shall, at all

times, keep in a convenient place in the Library, a catalogue of the books of the same for convenient reference. He shall annually, on the first Monday of January, report to the Governor, the true condition of the Library, and recommend such additions thereto, and improvements therein, as he may think best, for the interest of the same. Appended to his report shall be a list of all officers appointed by the Governor in the past year, who have not paid to him the sum provided for by the first Section of this Act.

Annual report.

List of appointments.
Delinquents.

APPROVED, May 1st, 1852.

CHAPTER VI.

AN ACT

To amend "An Act to provide a Revenue for the State Marine Hospital at San Francisco," passed March twenty-sixth, eighteen hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The first Section of "An Act to provide Revenue for the State Marine Hospital at San Francisco," passed March twenty-sixth, eighteen hundred and fifty-one, is repealed.

Former Act Amended.

SEC. 2. The fourth Section of said Act is amended so as to read as follows: "Section Four." It shall be the duty of the Tax Collector of taxes in the County of San Francisco, to make a distinct report of all moneys received by him on account of Licenses to Hawkers and Pedlars, and also all money received on account of Auction sales, and for licenses for gaming; which report shall be given to the County Treasurer, and upon the receipt of the money thus collected and paid over, it shall be the duty of the County Treasurer, to place to the credit of the "State Marine Hospital at San Francisco," one-half of the amounts so received, which shall be paid over monthly to the State Marine Hospital at San Francisco, upon the order of the Trustees of said Institution, to be applied to the support of the Hospital, and also to pay over monthly to the said Hospital, in the same manner, the one-fourth of the amount for licenses for gaming, so received, which has been heretofore paid into the Treasury of the City of San Francisco, to be applied to the payment of the debt of the former "State Marine Hospital;" and after all said debts shall have been paid, then to be set aside by the Trustees as a building fund, and to be devoted to the purchase of land, and the erection of suitable buildings thereon for a Hospital, and to no other purpose. And all laws and parts of laws directing any portion of moneys received on

Disposition of certain State revenue.

Hospital fund.

Building fund

Former laws repealed.

account of said licenses to be paid into the Treasury of the City of San Francisco, are repealed.

Former Act amended.

Ship Brokers license and penalty.

Treasurer of Hospital to issue license.

Undertaking.

City Treasurer to fix the amount.

Report of Ship Broker.

License tax.

Undertaking to be delivered up.

Penalty for not presenting report.

False report.

Former Sec. repealed.
Commuters, &c.

SEC. 3. The fifth Section of said act is amended so as to read as follows: "Section Five." Every person engaged in the business of a Ship-Broker or agent, or Shipping Master, shall take out a license to carry on said business, as prescribed in this section; and for carrying on such business without said license, shall be liable to a penalty of Five Hundred Dollars, for each week, to be recovered in any Court having jurisdiction, by an action in the name of the Board of Trustees of the "State Marine Hospital at San Francisco." The Treasurer of the Hospital shall make out, sign and deliver to the Treasurer of the City of San Francisco, blank licenses, which the said Treasurer of the City also shall sign, and deliver, one to each person applying therefor, who shall tender to him an undertaking, in a sum not less than One Hundred Dollars, nor more than Five Thousand Dollars, with sufficient security that he will, thirty days thereafter, present the report required by this Section, and pay to the Board of Trustees of said Hospital, the amount which shall be due for the said license. The Treasurer of the City shall determine upon the sufficiency of the sureties, and fix the amount of the undertaking at such a sum as will be fully sufficient to cover the license tax, and within ten days after he has received it, shall deliver the undertaking to the Treasurer of said Hospital. Upon the Thirtieth day after the license is issued to him, the person obtaining it shall present to the Treasurer of said Hospital, a report, under oath, of the number of passengers shipped by any and all vessels, for which he was agent, and any and all sailors and mariners, engaged to go on board of any vessel leaving the port of San Francisco, bound for any other port out of this State, specifying the name of each vessel, and the day of her sailing, and shall pay to the said Treasurer, as the license tax for the preceding month, one dollar for each of said passengers, sailors or mariners. Upon payment of the license tax, the Treasurer of the Hospital shall deliver up the undertaking to the person by whom it was given, endorsing upon it a receipt for the tax paid. In case of failure to present such report, or to pay said license tax on said thirtieth day, the Board of Trustees of said Hospital, may commence an action on the undertaking, and recover the whole sum therein named. If a false report is made, the person making it shall be subject to a penalty of one thousand dollars, to be recovered by the Board of Trustees by action. The license tax, together with all sums recovered under the provisions of this Section, shall be applied to the use of the Hospital.

SEC. 4. The Sixth Section of said Act is repealed.

SEC. 5. An additional Section shall be added to said Act, as follows: Section Eight. Any passenger for whom commutation money has been paid, shall be entitled to admission into the Hospital at any time within twelve months from the date of the payment.

APPROVED, May 3d, 1852.

CHAPTER VII.

AN ACT

Appropriating moneys to meet the contingent expenses of Government.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Governor, Secretary of State, Treasurer, Comptroller, Attorney General, Surveyor General, Superintendent of Public Instruction, and Quarter Master General, are each hereby authorized to rent suitable room or rooms in which to transact their official business ; *Provided*, that the rent of said offices shall not extend beyond the time that suitable offices are furnished by the State ; *Provided*, also, that the amount of rent for said offices shall not exceed the sum of one hundred and fifty dollars each per month.

State officers to rent offices.

SEC. 2. The necessary stationery, books, book binding, printing, and Postage of the Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General, Superintendent of Public Instruction, and Quarter Master General, shall be paid for according to law.

Expenses of officers.

SEC. 3. The expenses of the necessary fuel, and stationery for the Clerks of the Supreme Court shall be paid according to law, upon the certificate of the Judge of said Court.

Expenses of the Supreme Court.

SEC. 4. The sum of five hundred dollars is hereby appropriated to pay the office rent, postage, printing, and the other contingent expenses already incurred by the Superintendent of Public Instruction, for which there is no appropriation.

Expenses of Superintendent of Public Instruction

SEC. 5. There shall be paid annually according to law, to the order of the Governor, a sum not exceeding five thousand dollars, to defray the contingent expenses of administering the government of the State ; *Provided*, that the said amount shall include all expenses for said officer not provided for in this Act, including that of Private Secretary.

Governor's contingent expenses.

SEC. 6. The sum of ten thousand dollars to defray the contingent expenses of the Senate, and the sum of fifteen thousand dollars to defray the contingent expenses of the Assembly, is hereby appropriated for such purposes.

Contingent expenses of the Legislature.

SEC. 7. The sum of six hundred thousand dollars shall be, and the same is hereby appropriated to be paid out of the general fund, to defray the expenses provided for in this Act, and the expense of the Government of the State of California for the year ending on the last day of June, one thousand eight hundred and fifty-three, and the moneys hereby appropriated, and for which warrants may be issued by the Comptroller of the State, shall not be paid by the Treasurer, prior to the first day of February, one thousand eight

Appropriation to defray the expenses of government for the year ending the 31st day of June, 1853.

hundred and fifty-three, except as provided by "An Act to fund" the indebtedness of the State, which has accrued or may accrue from April twenty-ninth, eighteen hundred and fifty-one, to December thirty first, eighteen hundred and fifty-two, inclusive, and to provide for the payment of the three per cent. Bonds.

Conflicting Acts
repealed.

SEC. 8. Sections eleven, twelve, and thirteen of an "Act concerning the revenue funds, expenditure and property of the State and management thereof," passed February twentieth, eighteen hundred and fifty, also an "Act authorizing the Clerk of the Supreme Court to rent a Court Room in the city of San Francisco," passed February twenty-eight, eighteen hundred and fifty; also an "Act making an appropriation for office rent and contingent expenses of Superintendent of Public Instruction," passed May first, eighteen hundred and fifty-one, and all Acts, portions of Acts inconsistent with the provisions of this Act, be, and the same are hereby repealed.

SEC. 9. This Act shall take effect from and after its passage.

APPROVED, May 4, 1852.

CHAPTER VIII.

AN ACT

Prescribing the time of payment of the Salaries of the Officers of State:

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salaries of State
Officers payable
monthly.

SEC. 1. The Comptroller of State is hereby required to audit, and the Treasurer of State to pay, Monthly, the Annual Salaries of the Governor, and the several Officers of State, and their Clerks, the proportionate amount which shall be due and payable on the last day of each month, in every year.

Commencement
of the Act.

SEC. 2. This Act shall take effect from and after its passage.

APPROVED, April 1st, 1852.

CHAPTER IX.

AN ACT

Amendatory of "An Act prescribing the time of payment of the Salaries of the Officers of State," Passed April first, one thousand eight hundred and fifty two :

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The "Act prescribing the time of payment of the Salaries of the Officers of State," passed April First, One Thousand Eight Hundred and Fifty-Two, is hereby amended by the addition of a new Section, to read as follows: The Supreme and District Judges of this State shall be included in and receive the benefits of the provisions of this Act.

APPROVED, May 1, 1852.

CHAPTER X.

AN ACT

Concerning the Salaries of Officers and pay of the Members of the Legislature :

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. There shall be paid in the manner provided by law, to the several officers and persons mentioned in this Section, the following amount of salaries per annum. To the Governor, ten thousand dollars. To the Secretary of State, three thousand and five hundred dollars. To the Treasurer of State, four thousand and five hundred dollars. To the Comptroller of State, four thousand and five hundred dollars. To the Attorney General, two thousand dollars. To the Surveyor General, two thousand dollars. To the Superintendent of Public Instruction, four thousand and five hundred dollars. To each of the Judges of the Supreme Court, eight thousand dollars. To the Superintendent of Public Buildings, four thousand dollars. To each of the District Judges of the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Judicial Districts, six thousand dollars. The Judge of the Fourth Judicial

Salaries of State Officers.

Governor.
Secretary of State.
Treasurer of State.
Comptroller.
Attorney General.
Surveyor General.
Super. of Public Instruction.
Judges of the Supreme Court.
Super. of Public Buildings.
District Judges.

- District Attorneys. District shall receive a salary of seven thousand and five hundred dollars. To each of the District Judges in the First and Second Judicial Districts, three thousand dollars. To the District Judge of the Third Judicial District, four thousand dollars. To each of the District Attorneys in this State, there shall be paid such salary, payable in all cases out of the funds of the County Treasury, as may be allowed by the Court of Sessions, or by the Board of Supervisors in those counties in which such Board has replaced the Court of Sessions; *Provided*, such salary may be changed by such Court, or Board of Supervisors, from year to year, as may be deemed advisable. To a Clerk for the Secretary of State, Comptroller and Treasurer, two thousand and five hundred dollars each, and Governor's private Secretary, eighteen hundred dollars.
- Board of Supervisors or Court of Sessions to regulate salary. Clerk to State Officers. Governor's Private Secretary. Salary of Lieut. Governor and Speaker of the House. SEC. 2. The Lieutenant Governor and Speaker of the House of Assembly shall receive sixteen dollars per day during the session of the Legislature, and the same mileage that is allowed members of the Legislature.
- Mileage. SEC. 3. Members of the Legislature shall receive twelve dollars per diem during the session, and eight dollars for every twenty miles travel by the nearest mail route from their residence to the place of holding the session of the Legislature, and in returning therefrom.
- Pay of Members of the Legislature. SEC. 4. The Secretary of the Senate, and Clerk of the Assembly, at the close of each session, shall certify to the Comptroller of State, the number of days each member has been absent from the Seat of Government, without leave, during the session, which number of days shall be deducted from the per diem allowance of such members.
- Mileage. SEC. 5. The Act entitled "An Act concerning the Salaries of Officers," passed March fifth, eighteen hundred and fifty, and also the "Act defining the compensation of Clerks employed by the Secretary, Comptroller and Treasurer of State," passed April fourth, eighteen hundred and fifty, and also "An Act concerning the Salaries of Officers and pay of Members of the Legislature," passed May first, eighteen hundred and fifty-one, be and are hereby repealed.
- Clerks of Legislature to report absentees. SEC. 6. This Act shall take effect from and after its passage; *Provided*, the Superintendent of Public Instruction and Superintendent of Public Building shall receive the salary herein provided for, from the beginning of their term of office.
- Deductions. APPROVED, May 4th, 1852.
- Former Acts repealed.
- Salaries of Superintendents of Public Instruction and Public Buildings.

CHAPTER XI.

AN ACT

Requiring the Comptroller to audit certain Bills of the Members of the present Legislature.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby required to audit, and the Treasurer to pay out of the general fund which now may be on hand or which may hereafter be received, the per diem or mileage allowance of Members of the present Legislature, to the amount of three hundred dollars each ; *Provided*, if there be so much in the Treasury, if not, then in *pro rata* proportion to each member. Per diem and mileage of members.

SEC. 2. The Treasurer is hereby required to set apart and to retain the necessary sum of such funds as are not otherwise specially appropriated for the purpose expressed in the foregoing section. Duty of Treasurer.

SEC. 3. This Act shall be in force from and after its passage. Commencement of the Act.

APPROVED, March 8, 1852.

CHAPTER XII.

AN ACT

To set apart twenty-five hundred dollars to meet the current contingent expenses of the Senate and Assembly.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

That the Comptroller of State be and he is hereby authorized to draw Warrants on the Treasurer to be paid out of any funds now in the Treasury not otherwise appropriated, for the sum of twenty-five hundred dollars to meet the current contingent expenses of the Senate and Assembly. Comptroller to draw warrants for \$2500.

APPROVED, February 28, 1852.

CHAPTER XIII.

AN ACT

To provide for the payment of the salary of the Quarter-Master General, of the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
audit balance
due.

SEC. 1. The Comptroller of State shall audit, in favor of William H. Richardson, Quarter-Master General of this State, the amount of salary now due him for his services, and the same shall be payable out of the General Fund, from moneys not otherwise specifically appropriated.

APPROVED March 19, 1852.

CHAPTER XIV.

AN ACT

To provide for the payment of the salary of W. T. Barbour, Judge of Tenth Judicial District.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
issue warrant
for \$625.

SEC. 1. That the Comptroller be, and is hereby authorized to draw his Warrant on the State Treasurer, in favor of William T. Barbour, for the sum of six hundred and twenty-five dollars, and the Treasurer is required to pay the same out of any moneys in the General Fund, not otherwise specifically appropriated.

APPROVED April 20, 1852.

CHAPTER XV.

AN ACT

To provide for the payment of the salary of E. Heydenfeldt.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby directed to audit, Comptroller to audit account. and the Treasurer of State to pay, the account of Elcan Heydenfeldt as acting Judge of the Seventh Judicial District, in accordance with the mandate of the Supreme Court, in the case of "Elcan Heydenfeldt vs. John S. Houston."

APPROVED February 10, 1852.

CHAPTER XVI.

AN ACT

To provide for the payment of State Prison Inspectors.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The pay of State Prison Inspector shall be fifteen hundred dollars per annum, and the Comptroller of State is hereby authorized and directed to audit the accounts of the Prison Inspectors at the aforesaid rate from the dates of their respective appointments, and the Treasurer to pay the same out of the General Fund. Salary of State Prison Inspectors.

APPROVED May 3, 1852.

CHAPTER XVII.

AN ACT

To provide for the payment of the expenses in removing the Archives of State, from San José to Vallejo, and thence to Sacramento city.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Account to be
audited.

SEC. 1. That the Comptroller of State is hereby required to audit the accounts of the Agent appointed to remove the Archives of State from San José to the seat of government, and from thence as directed by joint resolution, to the city of Sacramento, and to draw his Warrant on the Treasurer of State for the amount, payable out of the General Fund.

Payment in cash.

SEC. 2. The said Agent having expended six hundred and sixteen dollars and fifty cents in cash, the Treasurer of State is hereby required to pay the said amount in cash, on the presentation of the Comptroller's Warrant for the same.

APPROVED January 30, 1852.

CHAPTER XVIII.

AN ACT

For the payment of freight to the Steamer Empire.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
issue warrant for
\$790.

SEC. 1. The Comptroller of State is hereby authorized and directed to draw his Warrant on the Treasurer of State, for the sum of seven hundred and ninety dollars, in favor of Captain Card, of the Steamer Empire, payable out of the "General Fund."

Commencement
of this Act.

SEC. 2. This Act to be in force from and after its passage.

APPROVED April 24, 1852.

CHAPTER XIX.

AN ACT

Concerning the collection of certain State Taxes, from vessels trading within the waters of the State of California, and in relation to suits therefor.

The People of the State of California, represented in Senate and Assembly do enact as follows :

SEC. 1. The Governor is hereby authorized and required to employ counsel upon such terms as he may find just and proper, by special contract, to conduct and argue certain suits now pending, or which may hereafter be brought in the District Court of the United States, against the Sheriff of San Francisco County, for the collection of the State Revenue, and also to employ counsel for any appeal therein which it may be necessary to prosecute before the Supreme Court of the United States. Governor to employ counsel

SEC. 2. The Governor shall, also, if in his judgment it is necessary for the interest of the State, to employ counsel and direct such other suits, to be brought in relation to the collection of the revenue from vessels trading within the waters of the State, and to cause the same to be fully prosecuted in any Court of the State, or United States District Court of the State, or in the Supreme Court of the United States, as the case may be. The same.

SEC. 3. For the expenses of such employment of counsel, and conduct of all suits as aforesaid, and for the costs thereof, the sum of ten thousand dollars is hereby ordered to be paid out of any moneys of the General Fund, in the Treasury, not otherwise appropriated, and the Comptroller of State is hereby authorized upon the certificate of the Governor, and his approval of the accounts of any person or persons, employed under this Act, and also for the costs of said suits, to audit the same and to draw his Warrant or Warrants, for payment thereof, upon the Treasurer, conformably to the provisions of this Act. Appropriations for expenses, &c.

APPROVED May 8, 1852.

CHAPTER XX.

AN ACT

Exempting the Hospital and Interest Funds from the operations of the Act entitled "An Act requiring the Treasurer to retain certain moneys, until appropriations thereof shall be made by law."

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Auction and
Gaming licenses.

SEC. 1. The provisions of the Act entitled "An Act requiring the Treasurer to retain certain moneys until appropriations thereof shall be made by law," passed January twenty-seventh, one thousand eight hundred and fifty-two, shall not apply to or effect the Hospital or Interest Funds, arising from auction and gaming licenses, which the Treasurer is hereby ordered to dispose of as heretofore provided by law.

Commencement
of the Act.

SEC. 2. This Act shall take effect immediately.

APPROVED March 3, 1852.

CHAPTER XXI.

AN ACT

Concerning the Offices of Comptroller and Treasurer of State.

The People of the State of California represented in Senate and Assembly, do enact as follows :

Indebtedness
against the State
not transferable
without endorse-
ment of State
Treasurer.

SEC. 1. That hereafter it is required of all persons to whom any Warrant on the Treasurer of State is issued, by the Comptroller, before such Warrant shall constitute an indebtedness against the State, such Warrant shall be presented to the Treasurer, who shall, if it be a lawful Warrant, endorse the same on the back, officially, with the date of such endorsement, made by him, and no transfer shall be valid without such endorsement.

Duty of Treasur-
er.

SEC. 2. It is hereby made the duty of the Treasurer to keep a proper book for the register of such Warrants as are required to be endorsed by him, by the foregoing section, and such register shall contain the date of the endorsement, the name of the person to whom issued, the amount, the number, and for what purpose issued.

Commencement
of the Act.

SEC. 3. This Act shall take effect from and after its passage.
APPROVED May 3d, 1852.

CHAPTER XXII

AN ACT

Authorizing the Comptroller of State to sue and prosecute County Treasurers and other Officers charged with the collection of State Revenue, who have failed or refused to discharge their duties.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. In all cases, where, in the judgment of the Comptroller of State, any County Treasurer, or other person charged with the collection of State Revenue, shall be guilty of conduct tending or designed to cheat or defraud the State out of revenue, he may in person repair to the residence of such Treasurers or other officers charged with the collection of State taxes, and then and there examine his or their books, papers, accounts and records, pertaining to the collection of State revenue, with a view to ascertain whether any received properly belonging to the State, is in his or their hands due the State and unpaid, and if, in his judgment, said Treasurer or other person charged with the collection of such revenue, has been guilty of fraudulent conduct in reference to his or their duties, he shall call to his aid the District Attorney, or such other counsel as he may designate, and institute all such legal proceedings, warranted by law, to secure and enforce the collection of any and all revenue due from such delinquent or delinquents. Or said Comptroller may require the Attorney General to do and perform the matter herein enjoined on said Comptroller.

Duty of Comptroller when collecting officers are guilty of fraud.

May obtain counsel.

Attorney General.

SEC. 2. If any County Treasurer or other officer charged with the collection of State revenue, shall fail or refuse, when called upon, to permit the Comptroller or Attorney General to inspect his books, papers, receipts, and records, pertaining to the collection of State revenue, he or they shall be deemed guilty of a misdemeanor, and on conviction, in any Court of competent jurisdiction, by presentment or indictment, shall be fined in any sum not less than one hundred dollars, nor more than five thousand dollars, or be imprisoned in the County jail, not less than ten days nor more than six months, or by both such fine and imprisonment in the discretion of the Court or jury trying the same.

Penalty for fraud, &c.

Misdemeanor.

SEC. 3. This Act shall be in force from and after its passage.

Commencement of the Act.

APPROVED March 8, 1852.

CHAPTER XXIII.

AN ACT

Authorising the Comptroller to draw on the Treasurer of Sacramento County to defray the contingent expenses of the present Legislature.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to draw warrant for \$800 on the Treasurer of Sac. Co.

To be applied for postage.

And allowed in settlement.

Commencement of the Act.

SEC. 1. The Comptroller of State is hereby authorized and required to draw his Warrants on the Treasurer of Sacramento County for the sum of nine hundred dollars, payable out of any moneys now, or which may hereafter become, due the State and accrue to the General Fund from said Treasurer, five hundred dollars of which shall be applied to the payment of the postage and other contingent expenses of the Assembly and four hundred dollars to those of the Senate.

SEC. 2. Any Warrants so drawn on the said Treasurer of Sacramento County, and paid by him, shall be received on his final settlement with the State as cash.

SEC. 3. This Act take effect from and after its passage.

APPROVED May 1, 1852.

CHAPTER XXIV.

AN ACT

Amendatory of the second Section of the Act "concerning the office of State Treasurer," passed January twenty-four, eighteen hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

To be commissioned by the Governor, make oath and give sureties.

SEC. 1. That the second section of the above recited Act be and is hereby amended so as to read as follows : "He shall be commissioned by the Governor, but before such commission shall issue, and before entering on the duties of his office, he shall take the oath of office prescribed by the constitution, to be endorsed on his commission, and shall execute and deliver to the Governor a Bond payable to the State, in the sum of one hundred thousand dollars, with sureties to be approved by the Governor, conditioned

for the faithful performance of all the duties which may be required of him by law, and for the delivery to his successor in office of all books, papers, moneys, vouchers, securities, evidences of debt, and effects belonging to his said office.

SEC. 2. This Act shall be in force from and after its passage.

Commencement
of the Act.

APPROVED February 28, 1852.

CHAPTER XXV.

AN ACT

To be entitled "An Act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey Expeditions against the Indians."

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. A sum not exceeding six hundred thousand dollars, is hereby appropriated and set aside as an additional War Fund, payable in ten years out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon, at the rate of seven per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public Lands which may be donated or set aside by Congress for that purpose and should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the Bonds authorized to be issued by this Act, shall be good and valid claims against the State, and shall be paid out of any money in the Treasury, not otherwise appropriated to pay the expenses of the expeditions mentioned in this Act.

Appropriation of
\$600,000 in Seven
per cent. bonds.

Fund.

SEC. 2. Such liabilities as have been incurred allowed as provided by law or may be allowed by the Board of Examiners for the Mariposa expedition, also such accounts as have been or may be allowed under Legislative authority, for the second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey expeditions, against the Indians, shall be funded or paid in Bonds bearing seven per cent. interest per annum, from the date of issuing the same.

Seven per cent.
bonds for all
claims legally au-
dited.

SEC. 3. All accounts heretofore examined and allowed by the Board of Examiners, consisting of the Treasurer and Comptroller of State, and all other accounts of claims for services and supplies rendered in the foregoing campaigns which have been examined and allowed by either branch of the present

Accounts previ-
ously allowed
shall be paid in
war bonds.

Legislature, and as shewn by the pay rolls and abstracts accompanying the same, or which may not have been so examined and allowed, shall by said Board be again examined, where warrants have not been issued, and if allowed, it is hereby made the duty of the Comptroller to issue his warrant on the Treasurer, in favor of the person holding the claim so allowed, payable out of the War Bonds, and the Treasurer shall, on presentation of such warrant, therefor exchange the Bonds provided to be created by a preceding section of this Act.

Comptroller to
correct mistakes.

SEC. 4. In the examination herein required to be made by the Comptroller and Treasurer, they are hereby fully empowered whenever or wherever any mistake may be detected by them against the State, in the allowance which may have been made by either Branch of the Legislature, to claimants, to correct the same, by a proper reduction thereof, and in the allowance to be made of claims which have not been examined, they shall have power and are hereby required to pay to officers and privates, the same as is allowed by the Act of March seventeenth, eighteen hundred and fifty-one, providing for the defence of the eastern frontier against the Indians and shall limit their payment for supplies, to the prices at which like articles were worth, at the date of such purchase, in the neighborhood where made.

Pay of officers
and privates.

State Treasurer
to procure suit-
able bonds.

SEC. 5. The State Treasurer is hereby authorized and required to cause suitable Bonds to be provided for said payments, in sums of one hundred, two hundred and fifty, five hundred, and one thousand dollars each.

Form of bonds.

SEC. 6. All such Bonds shall be signed by the Treasurer, in his official character, made payable to and endorsed by the Governor in his official character, who shall affix the seal of the State thereto, and countersigned by the Comptroller; which Bonds, executed as aforesaid, shall be transferable by assignment on the Bonds, by the owner thereof, or by his attorney in fact and bind the State for the faithful payment thereof.

Comptroller and
Treasurer to
keep a register
of bonds.

SEC. 7. After the Bonds shall have been countersigned by the Comptroller, it shall be his duty to make a register of the same, in a book to be kept for that purpose, with the number and amount thereof, and deliver them to the Treasurer, charging him with the same. The Treasurer shall also keep a register of such Bonds.

Coupons to be
attached.

SEC. 8. Coupons for the interest shall be attached to each Bond so that they may be removed without injury or mutilation to the Bond.

Claims against
the Gen'l. Govt.
set apart.

SEC. 9. Any claim which this State has now, or may hereafter have, upon the General Government, for moneys expended for the purposes aforesaid, shall be and the same is hereby set apart and pledged for the payment of the principal and interest arising upon said Bonds.

Treasurer to pay
expenses for
blanks.

SEC. 10. The Treasurer is hereby authorized to defray such expenses as may be incurred in obtaining the blanks for said Bonds; *Provided*, that they do not exceed the cost of one thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 11. The Treasurer shall deliver the Bonds to claimants Delivery of bonds. whenever demanded by them in person, or by legal agent.

SEC. 12. Whenever the Treasurer shall derive a sufficient Payment of the interest. sum from the tax herein provided to be levied, he shall make certain arrangements for the payment of the interest of the War Bonds, and shall advertise for three months at least, in some Newspaper in Sacramento City and San Francisco, notifying holders of Bonds, when the interest will be paid at the State Treasury.

SEC. 13. An Act authorizing the Treasurer of the State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in the State, in the absence of adequate provision being made by the General Government, passed February fifteenth, eighteen hundred and fifty-one; also an Act passed March seventeenth, eighteen hundred and fifty-one, entitled "An Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation," be and the same is hereby repealed; *Provided*, the repeal in no wise affect the War Loan Bonds already issued under the provisions of the Act so repealed. Former Acts repealed.

APPROVED, May 3, 1852

CHAPTER XXVI.

AN ACT

To authorize the Board of Examiners to settle the accounts of Major William Rogers, for the first and second El Dorado Expedition against the Indians.

The People of the State of California, represented in Senate and Assembly, do enact as follows.

SEC. 1. The Board of Examiners are hereby authorized and required to make a final settlement of the accounts of Major William Rogers in relation to the first and second El Dorado Expeditions against the Indians; and it shall be lawful for the said Board of Examiners to recognize and allow all such vouchers as valid, as the Board of Commissioners shall in their judgment deem just and equitable, and should there be any money due to said William Rogers on final settlement of said accounts, it shall be the duty of the Comptroller of State and he is hereby authorized to issue his warrant for the same in favor of the said William Rogers; *Provided*, that nothing contained in this Act shall be so construed as to prejudice the claims of Major James Burney to the office of Paymaster in all other cases. Board of Examiners to examine and settle the accounts.

Comptroller to issue warrants.

Not to affect Maj. Burney's claim.

APPROVED, May 1, 1852.

CHAPTER XXVII.

AN ACT

To authorize the Treasurer of State to make Special Deposits :

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Special Deposits.

SEC. 1. Whenever the State Treasurer may from any cause whatever deem it necessary and proper for the security and safe keeping of the public funds, he shall have power and is hereby authorized to make Special Deposits thereof with such Banking House or Houses in the city of San Francisco as he may deem secure ; *Provided*, however, that no authority is hereby conferred on the Treasurer to make any payment whatever for the keeping of the funds so deposited, and, *Provided* nothing herein shall be construed as to affect or impair the tenor or obligation of the Treasurer on his Official bond.

APPROVED, May 4, 1852.

CHAPTER XXVIII.

AN ACT

Requiring the Treasurer to retain certain Moneys.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Duty of Treasurer.

SEC. 1. The Treasurer is hereby directed and required, to retain in his hands, all moneys which may come into the State Treasury, on and after this date, until the appropriation thereof shall be prescribed by law.

Commencement of the Act.

SEC. 2. This Act shall be in force from and after its passage.
APPROVED, January 27, 1852.

CHAPTER XXIX.

AN ACT

To repeal "An Act requiring the Treasurer to retain certain Moneys," passed twenty-seventh January, eighteen hundred and fifty-two :

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Act entitled "An Act requiring the Treasurer of State to retain certain moneys," passed twenty-seventh January eighteen hundred and fifty-two, is hereby repealed. Former Act repealed.

APPROVED, May 4, 1852.

CHAPTER XXX.

AN ACT

Authorizing the Treasurer of State to receive any Moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by this State, prior to being admitted into the Union, and the mode of appropriating the same :

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. It shall be the duty of the Treasurer of State, as soon as he may be advised of the passage of any Act or Acts of Congress, granting or setting apart to the State of California, money to meet any portion of the past expenditure of this State, to draw his warrant or warrants on the Treasurer of the United States, or other person having charge of the same, for such sum or sums of money as may thus be appropriated, and receive the same and give any and all necessary receipts therefor, and when so received, the same shall form a special fund for the purposes expressed in the Act or Acts of Congress. To comprise special fund.

SEC. 2. So soon as the Treasurer of State shall receive any moneys as provided in the foregoing Sections, he shall advertise in two Newspapers of general circulation in each of the cities of Sacramento and San Francisco, in pursuance of law, requiring the holders of three per cent. per month bonds to present the same for payment at the Treasurer's Office. To redeem the Three per cent. bonds.

Duty of Treasurer.

SEC. 3. It shall be the duty of said Treasurer to keep a separate account of all moneys received and disbursed under the provisions of this Act, and to transmit the same to the Governor with his Annual Report.

The same.

SEC. 4. Whenever the Treasurer of State shall redeem any Bond as herein provided, he shall endorse on the back thereof, the amount of principal, the amount of interest, from whom redeemed, and date of redemption, and file the same in his office to be cancelled in manner prescribed by law.

APPROVED, April 28, 1852.

CHAPTER XXXI.

AN ACT

To prevent certain Officers from dealing in certain securities or evidences of debt.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Officers prohibited from purchasing certain evidences of indebtedness.

SEC. 1. The State Treasurer and Comptroller, the several County, City, or Town Corporation officers of this State, are hereby expressly prohibited from purchasing or selling, or in any manner, receiving to their own use or benefit, or to the use or benefit of any person or persons whatever, any State, County, or City Warrants, Scrip, Orders, Demands, Claim or Claims, or other evidences of indebtedness against the State, or any County or City thereof.

The same.

SEC. 2. The State Treasurer and Comptroller, all County, City, or Town Corporation Officers are prohibited from purchasing, or being interested, or receiving or selling or transferring, or causing to be purchased, received, sold or transferred, either in person, or by agent, or attorney, or by or through the agency or means of any person or persons whatever, any interest, claim, demand, or other evidence of indebtedness against the State, County, City, or Town Corporation thereof, either directly or indirectly, nor shall any Clerk or employee of any such officer or officers, nor the Commissioners employed or to be employed, to fund any County, City or Town Corporation indebtedness be allowed to make any such purchase, sale or transfer, or to receive any agency from other parties to purchase, sell, transfer, or bargain in any manner for any State, County, City or Town Corporation Warrants, Scrip, demands, or other evidence of indebtedness against the State, or any County, City or Town Corporation thereof.

Duty of Officers.

SEC. 3. It shall, in all cases, be the duty of all officers who may be called upon to audit and allow the accounts of other State, County, City, or Town Corporation officers, to take and

file an affidavit of said officer or officers that they have not violated any of the provisions of this Act, and for that purpose all officers authorized by law to audit and allow accounts are hereby empowered and required to administer oaths, which shall have the same force and validity in all actions for perjury as if administered by a Judicial officer.

SEC. 4. It shall be the duty of the State Treasurer, and the several County, City or Town Corporation Treasurers of the State, to refuse to redeem any Warrants, Scrip, Orders or other evidences of indebtedness against the State or any County, City, or Town Corporation thereof, whenever it shall come to their knowledge that such Warrant, Scrip, or other evidence of indebtedness has been purchased, sold, received or transferred in violation of the provisions of this Act. Duty of Treasurers.

SEC. 5. All public officers herein referred to shall have the right to sell or transfer any evidence of public indebtedness, which may be issued according to law, and held by such officers for services rendered by them to the State, County, City, or Town Corporation, legally and justly due, and this Act shall not be deemed to apply or to prevent the purchase, sale, or transfer of any funded public indebtedness whatever of the State, or of any County, City, or Town Corporation. Funded public indebtedness.

SEC. 6. It shall be the duty of any officer charged with the disbursement of any public moneys, or any evidence of public indebtedness when he shall be informed by affidavit of the violation of any of the provisions of this Act, by any officer whose account is to be settled, audited or paid by him, to withhold any settlement or payment of the same, and to cause said officer to be prosecuted for a misdemeanor, and on conviction, any officer guilty of any violation of the provisions of this Act, shall be punished by fine not less than five hundred dollars or more than one thousand dollars, and shall be imprisoned in the State Prison for a term not less than two months nor more than two years. Such conviction shall operate as a forfeiture of office, and the party convicted, shall forever be disqualified from holding any office of trust or profit in this State. Any person giving information which may lead to the conviction of any person under the provisions of this Act, shall be entitled to receive one half of any fine assessed upon and collected from any such officer. Enforcement of this Act.

SEC. 7. All fines collected under the provisions of this Act, shall be for the use of the County, except as above provided. Penalties.

SEC. 8. The provisions of this Act shall not be construed so as to prohibit any State officer from purchasing or selling County or City Warrants, or any County or City officer from purchasing the Warrants of the State, or of any other City or County, or to prevent any State, County, or City officer from selling or transferring such Warrants or Scrip as he may receive for his services but none other. Fines.

SEC. 9. This Act shall take effect from and after the first day of June, one thousand eight hundred and fifty-two. Exceptions.

APPROVED, May 4, 1852. Commencement of the Act.

CHAPTER XXXII.

AN ACT

To enumerate the Inhabitants of the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

When the Census shall be taken. SEC. 1. That the enumeration of the inhabitants of this State, shall be taken and returned to the Secretary of State, on or before the first day of November, one thousand eight hundred and fifty-two.

Made by counties. SEC. 2. That the enumeration shall be made by counties.

Governor to appoint Agent. SEC. 3. The Governor shall appoint a resident of each county, who shall be a suitable and trustworthy person, to take the census of the respective counties, and who shall have been a resident of the county in which he is appointed, at least six months, dating from the time of his appointment.

Compensation. SEC. 4. That the person appointed to take the census, shall receive such compensation as may be provided for by the Board of Supervisors, or where there is no such Board, by the Court of Sessions: *Provided*, such compensation shall not exceed sixteen dollars per day, for each day actually employed in taking such enumeration.

Report. SEC. 5. That he shall report to the Board of Supervisors, and if no such Board exist, then to the Court of Sessions, of the county in which he may be appointed, the number of white inhabitants in the county, males and females, negroes, mulattoes, domesticated Indians, and foreign residents, together with the age of each.

What shall be enumerated. SEC. 6. That the number of free white male citizens of the United States over twenty-one years of age, be noted; and the number of blacks, Indians, and foreigners over twenty-one years of age, be also noted.

The same. SEC. 7. That the number of horses, mules, cows, beef cattle, work oxen, the quantity of barley, oats, corn, wheat or other grain, or any other kind of produce, and the number of acres supposed to be under cultivation in each county; and the number of quartz mills, and the capital employed in quartz mining; and the capital employed in placer or other mining operations; and also the capital employed in this State for any purpose whatever, as far the same can be ascertained, and for what purpose the same is so employed, be represented in the census list.

The same. SEC. 8. That the present occupation of persons, and their former place of residence, also their place of nativity be noted.

To be certified by oath. SEC. 9. That the person taking the census, shall certify on oath, before the Court of Sessions, or Board of Supervisors of the county, for which he was appointed, that the returns made by

him to the Court or Board aforesaid, are correct, and that the returns so made by him, contain the names of all the persons required to be taken, as nearly as the same could be procured, and that the time occupied in taking the census is truly stated.

Time employed

SEC. 10. That the Board of Supervisors, and if no such Board exists, the Court of Sessions of each county, shall, on receipt of the returns, and after they have been certified to, transmit them to the Secretary of State, together with the certificate.

Returns shall be sent to Secretary of State.

SEC. 11. That when the returns are all duly made to the Secretary of State, from each county, they shall be compiled by the Secretary of State, and the Governor required to publish them, in such newspapers as he may designate.

Compilation to be published.

SEC. 12. That the Board of Supervisors, and if no such Board exists, then the Court of Sessions of each county, shall approve the account of the person taking the census, if found correct, which upon presentation to the State Comptroller, shall be audited by him, and he shall draw his warrant upon the Treasurer of State, to be paid out of any moneys in the general fund not otherwise appropriated.

Agent's accounts.

SEC. 13. That the Secretary of State is hereby directed to furnish a sufficient number of blank census returns, to be made out in accordance with this Act, to the County Clerk of each county.

Blanks.

SEC. 14. That the Secretary of State is required to furnish the County Clerks of each county, with copies of this Act, immediately after its passage.

Secretary of State to furnish copies of this Act.

SEC. 15. That this Act shall take effect from and after thirty days after its passage.

Commencement of this Act.

APPROVED, May 4, 1852.

CHAPTER XXXIII.

AN ACT

Respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. When a person held to labor in any State or Territory of the United States under the laws thereof, shall escape into this State, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, or shall have the right to obtain a warrant of arrest for such fugitive, granted by any Judge, Justice, or Magistrate of this State, and directed to any Sheriff or Constable of this

Process may issue for the arrest of fugitives from labor.

Mode of proceeding.

State, and when seized or arrested, to take him or her before any Judge or Justice of this State, or before any Magistrate of a County, City, or Town corporate, and upon proof to the satisfaction of such Judge or Magistrate, either by oral testimony or affidavit, taken before and certified by any Judge or Magistrate in this State, or of any other State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such Judge or Magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor, to the State or Territory from which he or she fled, and for using such force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this Act shall the testimony of such alleged fugitive be admitted in evidence, and the certificate hereinbefore mentioned shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons, by any process issued by any Court, Judge, Justice, or Magistrate, or other person whomsoever.

Penalties for obstructing a claimant in the recovery of his property.

SEC. 2. Any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such fugitive from service or labor, either with or without process as aforesaid, or shall rescue or attempt to rescue such fugitive from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist such fugitive, directly or indirectly to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid, or shall harbor or conceal such fugitive so as to prevent the discovery and arrest of such fugitive, shall for either of said offences, be subject to a fine of not less than five hundred dollars, and imprisonment not less than two months, by indictment and conviction before any Court of Sessions of this State, or before any Court having criminal jurisdiction within this State, and shall moreover forfeit and pay by way of civil damages to the claimant of said fugitive, the sum of one thousand dollars, for each and either of said offences, to be recovered by action in any District Court of this State.

Duties of officers and penalties for neglect of duty.

SEC. 3. It shall be the duty of all Sheriffs, Deputy Sheriffs, and Constables to obey and execute all warrants and precepts issued under the provisions of this Act, when to them directed, and should any Sheriff, Deputy Sheriff, or Constable refuse to receive such warrant or other process when tendered, or to use all proper means, diligently to execute the same, he shall on conviction thereof, by indictment, be fined in the sum of not less than five hundred dollars and not more than two thousand dollars, to the use of the County in which conviction is had, and removed from office, and shall be liable

to the claimant in such damages as the claimant shall sustain by reason of said misconduct, and after the arrest of such fugitive by such Sheriff, or his Deputy, or Constable, or whilst at any time within his custody, should such fugitive escape by the assent, neglect, or contrivance of such officer, such officer shall be liable, on his official bond to such claimant, for the full value of said fugitive in the State or Territory from whence he or she came.

SEC. 4. Any person or persons held to labor or service in any State or Territory of the United States, by the Laws of such State or Territory, and who were brought or introduced within the limits of this State previous to the admission of this State as one of the United States of America, and who shall refuse to return to the State or Territory where he, she, or they owed such labor or service, upon the demand of the person or persons, his or their agent, or attorney, to whom such labor or service was due, such person or persons so refusing to return, shall be held and deemed fugitives from labor within the meaning of this Act, and all the remedies, rights, and provisions herein given to claimants of fugitives who escape from any other State into this State, are hereby given and conferred upon claimants of fugitives from labor within the meaning of this section; *Provided*, the provisions of this section shall not have force and effect after the period of twelve months from the passage of this Act.

Who shall be deemed fugitives, and limits of this Act.

SEC. 5. Nothing contained in this Act shall be so construed as to allow the claimant of any slave to hold such slave in servitude in this State after his reclamation under the provisions of this Act, except for the purpose of removing such slave from the State.

Claimants not allowed to hold slaves in servitude in this State.

APPROVED, April 15, 1852.

CHAPTER XXXIV.

AN ACT

For the Relief of Insolvent Debtors, and Protection of Creditors.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. Every Insolvent debtor may be discharged from his debts as hereinafter provided, upon executing an assignment of all his property, real, personal or mixed, for the benefit of all his creditors, and upon compliance with the several provisions of this act; *Provided*, said assignment be made *bona fide* and without fraud. The District Court only shall have original jurisdiction in the subject matter herein contained.

Discharge of insolvents.

SEC. 2. Such insolvent debtor shall petition the Judge having original jurisdiction within the place of his domicile or usual residence, which petition shall briefly state the circumstances

The insolvent to petition and form.

which compel him to surrender his property to his creditors, and shall conclude with a prayer to make a cession of his Estate, and to be discharged from his debts, in pursuance with the provisions of this Act.

Contents.

SEC. 3. The debtor shall annex to said petition his schedule; that is to say, a summary statement of his affairs, with a list of losses he may have sustained, giving the names of his creditors if known; the amount due to each creditor, and the cause and nature of said indebtedness, and when it accrued, and a statement of any existing judgment, mortgage, collateral or other securities for the payment of any such debt; said schedule shall also contain a full, complete, and perfect inventory of all his property, real, personal and mixed, of all choses in action, debts due, or to become due, and all moneys on hand of such insolvent; said schedule shall also contain a full statement of all incumbrances existing upon the property of the insolvent. The said debtor shall as nearly as possible estimate the property by him surrendered, and set forth in the schedule, at its true cash value.

The same.

SEC. 4. The said schedule shall be signed by the debtor, and be by him sworn to before the Judge having jurisdiction of the failure, in the following words, to wit: "I, (A. B.) do in the presence of Almighty God truly and solemnly swear, that the Schedule now delivered by me, doth contain a full, perfect and true discovery of all the estate, real, personal, and mixed goods and effects, to me in any way belonging, all such debts as are to me owing, or to any person or persons in trust for me, and all securities and contracts whereby any money may hereafter become payable, or any benefit or advantage accrue to me, or to my use, or to any other person or persons in trust for me, that I have no lands, money, stock or Estate, reversion or expectancy, besides that set forth in my schedule; that I have in no instance, created or acknowledged a debt for a greater sum than I honestly and truly owed; that I have not directly nor indirectly sold, or otherwise disposed of in trust, or concealed any part of my property, effects or contracts; that I have not in any way compounded with my creditors whereby to secure the same, or to receive or to expect any profit or advantage therefrom, or to defraud, or deceive any creditor to whom I am indebted, in any manner whatever, "So help me God."

Oath.

The judge to make an order.

SEC. 5. The Judge receiving such petition, schedule and affidavit, shall make an order requiring all the creditors of such insolvent to show cause, if they can, why an assignment of the insolvent estate should not be made, and he be discharged from his debts. Said schedule being signed and sworn to by the petitioner, the Judge shall certify the same, and cause it to be filed in the office of the Clerk of the Court in the County where the assignment was made, there to remain for the information of the creditors.

The Homestead.

SEC. 6. The insolvent debtor, on a surrender of his property, shall include and set forth in his schedule, his whole estate, including the *Homestead*, if any he has, and all such property

as may be by law exempt on execution from seizure and forced sale, and it shall be the duty of the Judge having jurisdiction of the failure, to exempt and set apart for the use and benefit of said insolvent, such real and personal property as he is by law authorized to retain to his own use, or that of his family.

SEC. 7. The insolvent shall either before or on the day appointed for the meeting of the creditors, deliver to the Court all the commercial or other books he may have kept, which books shall be deposited in the Clerk's office of said Court. Said insolvent shall also deliver to the Court at the same time, all vouchers, notes, bonds, bills, securities, or other evidence of debt, in any manner relating to, or having any bearing upon or connection with the property surrendered by said debtor, and all such papers or securities shall be deposited in the Clerk's office of said Court, and the Clerk shall hand them over, together with the books of the insolvent to the assignees, who may be appointed. Duty of insolvent

SEC. 8. The Judge granting the order for a meeting of the creditors, shall direct the Clerk of the Court to issue a notice, calling the creditors of the insolvent to be and appear within thirty days from the date of publication of such notice, before said Judge, at Chambers, or in open Court, to show cause why the prayer of the said insolvent should not be granted. Said notice shall be published at least thirty days in a newspaper printed in the County in which application is made, if there be one; if there be none, then, in a newspaper printed nearest to such County. Meeting of creditors.

SEC. 9. When issuing the order for the meeting of creditors, the Judge shall order that all proceedings against the debtor be stayed, *Provided*, however, that the said stay of proceeding shall not prevent the Judge who shall have granted it, from appointing a receiver to take possession of all property of the debtor, for the benefit of all his creditors, if one or more of his creditors, his agent, or attorney in fact shall apply for such appointment, and swear that he has reason to believe, and does believe, that the debtor may avail himself of the stay of proceedings, and keep his property from his creditors, if no cause sufficient in the judgment of the Court, shall have been shown, why the debtor should not have the benefit of this Act, and shall produce satisfactory proof of the facts on which his affidavit is founded. Stay of proceedings.

SEC. 10. At the meeting of creditors, the said creditors after having certified on oath, that their respective claims are legitimate and true, shall proceed to the appointment of one or more assignees, not exceeding three; in appointing assignees, the opinion of the majority of said creditors, in sums or in claims, shall prevail. At such meeting, any creditor may be represented by his duly authorized agent, or attorney in fact. Meeting of creditors.

SEC. 11. When the assignee or assignees shall have been duly appointed in the meeting of creditors, and the surrender of the property shall have been duly accepted of, it shall be the duty of said assignees, to deposit in the Clerk's office of the Court, who shall have issued the order for a call of the creditors, a certified statement of the deliberations of said creditors, on the appointment of the said assignees. Assignees, their duties.

Bonds of Assignees.

SEC. 12. The Judge shall require from the assignees a bond with one or more good and sufficient securities, on which bond the parties therein shall be liable, jointly and severally, for the amount thereof, conditioned for the faithful performance of the duties devolving upon said assignees. The amount of such bond shall be determined by the majority of creditors, should not the creditors so determine, the amount of said bond shall be fixed by the Court having jurisdiction of the failure.

Duty of Assignees.

SEC. 13. The assignees shall apply by petition to the Court, who shall have ordered a meeting of creditors, to be authorized to sell at public auction, and to the best and highest bidder for cash, all the insolvent debtor's property of whatsoever nature or kind; and said assignees shall give at least twenty days public notice, in the same manner as notice for a meeting of creditors of all sales of the property of said insolvent, giving at the same time a full description of the property to be disposed of. *Provided*, however, that if any of the property surrendered be of a perishable nature, the assignee shall be authorized to sell the same, on giving at least five days notice of such sale by publication or notice of such sale as in sale on execution.

Their responsibilities.

SEC. 14. The assignees shall deposit all funds belonging to the failure, in their joint names, so that nothing can be drawn without the consent of all. Said funds shall remain inviolable, and shall never be *loaned, used or mixed* with the personal affairs of the assignees; and finally the said assignees shall make a distribution of the proceeds of the property of the insolvent, agreeably to the direction of the Court; said assignees may sue and be sued, either as plaintiffs or defendants, in every thing which respects the rights and actions, which may belong to the insolvent, or which may concern the mass of the creditors, all suits brought against the insolvent anterior to his surrender of property, before the Courts of other counties, shall be transferred to the Court having jurisdiction in the county in which said insolvent shall have presented his schedule, and may be continued on motion and notice against his assignees.

Dividends.

SEC. 15. Whenever a dividend shall be declared, the assignees shall make out a statement containing the names of the several creditors, mentioning the sums which are due them respectively; and the said statement shall besides, contain the pro rata sums to be divided among all the creditors. Said assignees shall deposit said statement in the Clerks office of the Court, who shall order that notice be given to the creditors in the same manner as for the meeting, that they show cause within fifteen days next following the publication, why the said statement should not be accepted, and the distribution made agreeably to its contents.

Investigation of creditors.

SEC. 16. Two or more creditors may at any time make a motion to know if the assignees have funds in their hands, and the said assignees shall be required to present their accounts, and if they have funds they shall distribute them without delay.

Penalties of Assignees.

SEC. 17. Should the assignees refuse or neglect to render their accounts as required by the preceding Section, or to pay over a dividend, when they shall have in the opinion of the

Court, sufficient funds for that purpose in their hands, the Court shall immediately discharge such assignees from their trust, and shall have power to appoint others in their place. The assignees so discharged shall deliver over to those appointed by the Court, all the funds, property, books, vouchers and securities belonging to the insolvent, without charging any commission or expenses thereon, and shall also be condemned to pay to the new assignees, for the benefit of the mass of the creditors twenty per cent. in addition to the amount of funds in their hands.

May be discharged.

SEC. 18. If on the day appointed for the meeting, the creditors, although duly summoned, do not attend, or refuse to appoint one or more assignees, it shall be lawful for the judge before whom the said meeting may take place, to authorize the Sheriff of the County to receive the surrender of property offered by the debtor, and to perform in every respect the functions of assignee, and for the faithful performance of said trust, he shall be responsible on his official Bond; *Provided*, that if any of the creditors should choose to take that charge, the Judge shall appoint said creditor for that purpose, upon said creditor giving bond, with good and sufficient security proportioned to the value of the property committed to his charge.

Refusal to appoint Assignees.

Judge may appoint.

SEC. 19. The assignees, collectively, shall be entitled to charge and receive for their services, to wit: ten per centum upon a sum not exceeding ten thousand dollars; eight per centum upon sums above ten thousand dollars, and not exceeding thirty thousand dollars; six per centum upon sums above thirty thousand dollars, and not exceeding sixty thousand dollars; and four per centum on all sums exceeding sixty thousand dollars; *Provided*, that the said commissions shall be allowed only, on such net sums of money as shall actually come to their hands, or be distributed by them. The mass of creditors, shall in no manner be liable for the fees of counsel of the insolvent debtor in conducting a surrender of the property.

Fees of Assignees.

Counsel Fees.

SEC. 20. That in case after the appointment of said assignees, any one or more of the creditors of the insolvent debtor should deem necessary to oppose it, on the ground of some fraud having been committed by the said insolvent debtor, or of the appointment not having been legally made, he shall within ten days next following the appointment of said assignees, lay before the Court which has already taken cognizance of the case, his written opposition, stating specially the several facts of nullity of the said appointment, or of fraud by him alleged against the insolvent debtor, whereupon, in case of accusation of fraud, after having received the said insolvent debtor's answer, the Court shall order a jury to be summoned, of not less than six men, to be summoned in the same manner as juries are summoned in the District Court, for the purpose of deciding on the said accusation.

Fraud.

Opposition of creditors.

Jury.

Proof of fraud.

SEC. 21. On the day or at the term appointed in such order, or any subsequent day or term, the Court shall proceed to hear the proofs and allegations of the parties; and before any other proceedings be had, shall require proof of the publication of the notice as herein provided.

Rights of creditors.

Investigation of fraud.

Penalty.

Insolvent to be released.

Fraud.

Penalty.

Powers of Judge.

Fraudulent bankrupts.

The same.

SEC. 22. Upon such an accusation of fraud, the creditor who shall have brought the same, shall have the right to interrogate the insolvent debtor on oath, and put to him such written questions, as to the state of his affairs, and the several transactions in which he may have been engaged anterior to his failure, as he shall think proper; and the insolvent shall answer, in writing, to the said interrogatories, in a pertinent and distinct manner; and every equivocal answer on his part shall be construed against him.

SEC. 23. If the jury summoned for the purpose of deciding on the accusation of fraud, brought against such insolvent debtor, declare in their verdict that said insolvent has been guilty of fraud, the said debtor shall forever be deprived of the benefit of the laws passed for the relief of insolvent debtors in this State.

SEC. 24. If the accusation of fraud brought against the debtor is declared to be ill founded, or if there be no opposition to the surrender of his property, and, *Provided* said surrender has been made according to the provisions of this Act, said debtor shall be released and fully discharged from any and all debts, until then contracted, and contracted after the passage of this Act, and from every judicial proceeding relative to the same; *Provided*, always, that said insolvent debtor shall be released and discharged only from such debts and liabilities as he shall have set forth, and named in his schedule.

SEC. 25. Any insolvent debtor who shall be found guilty of fraud as aforesaid, shall forever be deemed incapable of holding any office of trust or profit under the government of this State, shall moreover be liable to be prosecuted and punished as a perjurer, if he should be convicted of having foresworn himself in any of the declarations he may have made agreeably to the provisions of this Act, and if convicted of fraud he shall be sentenced by the Court to suffer imprisonment at hard labor in the State Prison, for a term not less than six months, nor more than two years.

SEC. 26. If the Judge before whom the accusation of fraud is brought, or an opposition to the appointment of assignees is made, thinks that the interest of the mass of creditors of the insolvent may suffer by a delay of the approval of the appointment of the assignees, it shall be lawful for said Judge, all opposition notwithstanding, to approve previously the said appointment, if he finds that it has been made agreeably to law.

SEC. 27. That all persons shall be considered as fraudulent bankrupts, who shall be convicted of having concealed their property with the intention to keep it from their creditors, as also those who shall be convicted of having concealed or altered their books, or papers, with the same intention.

SEC. 28. That every insolvent debtor shall also be considered as a fraudulent bankrupt who shall be convicted of having passed sham deeds for the purpose of conveying the whole or any part of his property and depriving his creditors thereof, or of having knowingly omitted to declare any of his property, rights, or claims in his schedule, or of having purloined his books, or

any of them, or of having altered, changed, or made them anew, to an intent to defraud his creditors, or of having alienated, mortgaged or pledged any of his property, or of having committed any other kind of fraud to the prejudice of his creditors.

SEC. 29. If any debtor shall be convicted of having at any time within three months next preceding his failure, sold, engaged, or mortgaged any of his goods and effects, or of having otherwise assigned, transferred, or disposed of the same, or any part thereof, or confessed judgment in order to give a preference to one or more of his creditors over the others, whereby to receive any advantages in anticipation of his failure, to the prejudice of his creditors, he shall be debarred the benefit of this Act.

The debtor may be debarred the benefit of the Act.

SEC. 30. All insolvent debtors owing or accountable in any manner for public funds or property of whatever nature or kind; all unfaithful depositaries; all such as refuse or neglect to pay up all funds received by them as bankers, brokers, commission merchants, or for money, goods, or effects received by them in a fiduciary capacity, shall be denied the benefit of this Act.

His responsibilities as an agent.

SEC. 31. If after the presentation of his petition, the insolvent shall sell, or in any manner transfer or assign any of his property, or collect any debts due him, and shall not give a just and true account of the property so sold or transferred, and the moneys so collected, and pay the same over to the assignees, within ten days after their appointment, said debtor shall not receive the benefit of this Act.

Presentation of petition.

Duty of insolvent

SEC. 32. Whenever any insolvent debtor has had the benefit of this Act, if thereafter, at any time it is made to appear that he has concealed any part of his property or estate, or given a false schedule, or committed any fraud under the provisions of this Act, it is hereby declared that he has forfeited all benefit and advantage which he would otherwise have had by virtue of this Act, and he cannot avail himself of any of its provisions, in bar to any claim that may be instituted against him.

Concealing prop-

Penalty.

SEC. 33. No person can apply for, or receive the benefit of this Act, through an agent or attorney in fact.

Insolvent to apply in person.

SEC. 34. From and after the surrender of the property of the insolvent debtor, all property of such insolvent shall be fully vested in his assignee or assignees, for the benefit of his creditors, and shall not be liable to be seized, attached, taken, or levied on, by virtue of any execution issued against the property of said insolvent, and the assignees, who may be appointed, shall take possession of, and be entitled to claim and recover all the said property, and to administer, and sell the same, as herein provided.

Surrender of property.

Control of.

SEC. 35. If there be any creditors residing without the limits of this State, the Judge shall appoint an attorney to represent them; but the fees of said attorney shall in no case be paid by the mass of creditors, but shall be levied on the amount of the sums which shall be recovered for the account of such non-resident creditors, at the rate of ten per centum; *Provided*, that in no case shall the whole fees allowed to counsel, appointed on behalf of said creditors, exceed the sum of three hundred and fifty dollars.

Non-resident creditors.

Property of insolvent.

SEC. 36. In case the debtor who applies for the benefit of this Act, should have no property to surrender to his creditors, or if the appraised value of the property exhibited in his schedule, should not amount to more than one-third of his debts, in case he should already have received the benefit of this Act, during the year next preceding, the Judge before whom application is made, shall not admit him to the benefit of this law, unless it be proven to the said Judge, by affidavit, sworn and subscribed to by two creditable and disinterested witnesses, that the debtor has really experienced the losses by him stated, and that the said losses may have reduced him to the situation in which he finds himself; *Provided*, all legal mortgages and liens, *bona fide* existing on such property at the time of the surrender, as aforesaid, shall remain good and valid, and may be enforced in the same manner as though no such surrender had been made.

Proceedings.

Assets to be delivered to Assignees.

SEC. 37. All the goods, titles and claims which the insolvent debtor shall have declared in his schedule, shall be delivered up to the assignees as soon as they shall have been appointed; and in case the debtor should refuse to deliver up the goods, titles, effects, or estates in his possession, the Judge shall oblige to that delivery, either by ordering the Sheriff to seize the said property, to be by him delivered up to the assignees, or causing the said insolvent to be imprisoned until the said delivery shall be effected.

Assignees to make out a true account of disbursements.

SEC. 38. The assignee or assignees appointed under this Act, shall make out a true account of all disbursements made by them in discharge of their duties as assignee or assignees, which shall be verified by the oath of such assignee or assignees, and shall deliver the same to the Judge having jurisdiction of the subject matter; and such Judge shall in writing certify such part or parts of the same as he shall deem to be just, and necessarily expended by said assignee or assignees in the discharge of their duty, which amount so allowed shall be paid out of the property of such insolvent debtor.

Assignment.

SEC. 39. No assignment of any insolvent debtor, otherwise than as provided in this Act, shall be legal or binding upon creditors.

Conflicting laws repealed.

Commencement of this Act.

SEC. 40. All laws or parts of laws repugnant to, or in any manner conflicting with the provisions of this Act, are hereby repealed. This Act shall take effect from and after the first day of June next.

APPROVED, May 4, 1852.

CHAPTER XXXV.

AN ACT

For the Relief of Immigrants travelling overland to California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Governor of the State of California, is hereby authorized and required to use all proper diligence to ascertain the wants and necessities if any of immigrants travelling overland from the Atlantic States to California, during the present year, and if upon the arrival of such immigrants, within the limits of this State, or within the neighborhood thereof, they shall be in a suffering condition, the Governor is authorized and required to make distribution of food and clothing among such immigrants, proportionably, and to afford them such other relief as he may deem necessary to insure their safe arrival in California.

Governor authorized to tender relief.

SEC. 2. The Comptroller of State is hereby required to audit and issue his warrant on the Treasurer of State for the payment of the expenses which may be incurred by the Governor in relieving the "overland immigration," of eighteen hundred and fifty-two, as provided in the first section of this Act, *Provided*, that, in all cases, claims must be certified as correct by the Governor, before they are audited by the Comptroller, and *Provided*, further, that the amount expended, as above authorized, shall not exceed the sum of twenty-five thousand dollars, payable out of the General Fund.

Comptroller authorized to audit and issue warrant.

SEC. 3. It is hereby provided that there shall not be a sum exceeding five thousand dollars paid out of the money hereby appropriated, or out of any other moneys of this State, for the personal services of any person or persons, who may be appointed to superintend or in any wise distribute among the immigrants, the necessities purchased therewith.

Expenses.

APPROVED May 3, 1852.

CHAPTER XXXVI.

AN ACT

Concerning Passengers arriving in the Ports of the State of California.

The people of the State of California, represented in Senate and Assembly, do enact as follows :

Masters of vessels, their duties after arrival.

Report.

Contents.

Neglect of duty.

SEC. 1. Within twenty-four hours after the landing of any passenger, from any vessel arriving at any of the ports of this State, from any of the United States, other than this State, or from any country out of the United States, the master or commander of the vessel, from which such passenger or passengers shall have been landed, shall make a report, in writing, on oath or affirmation, to the Mayor, or chief municipal officer, at such port, (or in case of his absence or inability to serve, to the person discharging the duties of his office,) which report shall state the name, place of birth, last legal residence, age and occupation, of every person or passenger who shall have landed from such vessel, in her last voyage to such port, not being a citizen of the United States, and who shall have within the last preceding twelve months, arrived from any country out of the United States, at any place within the United States, and who shall not have been bonded, or who have paid the commutation money, according to the provisions of this Act or any former Act. The said report shall contain a like statement of all such persons or passengers as shall have landed or been suffered to land, from any such vessel, at any place during her said last voyage, or who shall have gone on board of any vessel with the intention of coming into this State. The said report shall further specify, if either or any of said passengers or persons, so reported, are lunatic, idiot, deaf, dumb, blind, crippled or infirm ; and if so, whether they are accompanied by any relatives likely to be able to support them. It shall also specify, particularly, the names, last place of residence, and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residence of the owner or owners of such vessel. It shall also specify whether any of said passengers are persons convicted of any infamous crime, or of a felony, so far as the same may be within the knowledge of said master or commander. In case any such master or commander shall omit or neglect to report, as aforesaid, any such person or passengers, with the particulars aforesaid, or shall make any false report or statement in respect to any person or passengers, or in respect to the owner or owners of any such vessel, or in respect to all or any of the particulars herein before specified, such master or

commander shall forfeit the sum of two hundred and fifty dollars, for every such passenger, in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, and also for every neglect, omission, or false report made by him, as to the owner or owners of such vessel. For the payment of such penalty, so incurred, the owner or owners, consignee or consignees, of every such vessel, shall be liable jointly and severally.

Penalty

SEC. 2. It shall be the duty of the Mayor, as aforesaid, by an endorsement to be made on said report, to require the owner or consignee of the vessel, from which such passengers or persons have been landed, to give a joint and several bond to the people of the State of California, in a penalty of five hundred dollars, for each and every person or passenger included in such report, conditioned to indemnify and save harmless, each and every county, town or city, in this State, and also the Trustees of the several State Hospitals, against all costs and expenses which may be by them or any of them, necessarily incurred for the relief, support or medical care of the persons named in the bond, within two years from the date of such bond. Each and every bond shall be secured by two or more sufficient sureties, residents of the State, each of whom shall prove, by oath or otherwise endorsed in writing, on such bond, that he is a free holder and resident of the State, and is worth the sum of one thousand dollars in real estate, over and above all his debts and responsibilities, and any responsibilities actual or contingent, which may accrue from or under any former bond, given under the provisions of this Act. Such bond may, at the option of the party be secured by the mortgage of real estate, or by the pledge and transfer of the stock of the United States, or of the funded debt, or Comptroller's Warrants of this State in any amount sufficient to secure said bond. Such bonds and securities, in all cases, to be approved by the Mayor, in writing endorsed upon the bond, or securities, after sufficient inquiry, on his part, into the same.

Duty of the Mayor
to require bonds.

Conditions.

Sureties.

SEC. 3. Within three days after the landing of such persons or passengers, from any vessel in any of the ports of this State, it shall be lawful for the master or commander, owner or consignee of said vessel, to commute for the bond or bonds required by section two, of this Act, by paying to the Mayor a sum of money not less than five dollars, nor more than ten dollars, for each and every passenger reported, as in section one of this Act required. Upon the payment of such commutation money, and the filing with the Comptroller of State, of the receipt of said Mayor therefor, by the party paying the same, as in the next section; *Provided*, such party shall be discharged from the requirements of giving bonds as aforesaid.

Authority to commute.

SEC. 4. It shall be the duty of the Mayor, receiving such commutation money, or any moneys received from fines or forfeitures under this Act, to account for and pay the same on the first Tuesday of every month, to the Treasurer of State, in the same manner in which County Treasurers are by law required

Commutation
money.

How appropriate.

Account of Mayor.	to account ; and he shall annex to his account an affidavit of its correctness. The Mayor shall specify, in his account, the names of the parties paying such sum or sums of money, the amount paid by each, the date of such payment and the name of the vessel and the number of passengers on account of whom it was paid. The Mayor shall furnish to the parties, paying such commutation money, receipts in duplicate, specifying the amount paid, and the name of the vessel or vessels, and the number of passengers on account of whom it was paid. The party paying such commutation money, shall file with the Comptroller of State his duplicate receipt, and shall thereupon be discharged from the requirement of giving bonds as aforesaid. It shall be the duty of the Comptroller of State, to file such duplicate receipts in his office, and to compare the same with the accounts of the several Mayors', when rendered monthly.
Contents.	
Mayors' duties.	
Paupers, &c.	SEC. 5. Whenever, in the opinion of such Mayor, there be among the passengers or persons in any vessel, any lunatic, idiot, deaf, dumb, blind, cripple or infirm person, not members of families, or who, from attending circumstances, are likely to become permanently a public charge, or who have been paupers in any other country, or who from sickness or disease existing either at the time of departure from the port of departure, or at the time of their arrival in any part of this State, are a public charge, or likely soon to become so, it shall be the duty of such Mayor, to require in the endorsement, made according to section two of this Act, or in any subsequent endorsement or endorsements, in addition to the bond provided for in section two, that the owner or consignee of such vessel, shall execute for every such passenger or person a further bond, joint and several, to the people of this State, in the sum of one thousand dollars. Such bond shall be conditioned and secured in the same manner as the bond in section two, <i>Provided</i> , the subsequent endorsement, in this section mentioned, may be made at any time within twenty days after the landing of any such persons or passengers. The sureties on the bond in this section provided, shall justify in double the penalty of such bond, in the manner provided for the sureties to the bond mentioned in section two of this Act.
Additional security to be required.	
Recovery upon bonds.	SEC. 6. If any person for whom a bond shall have been given under this Act, shall within the time specified in such bond, become chargeable upon any city, town or county of this State, or upon the Trustees of any State Hospital, an action may be brought upon such bond in the name of the people of this State, by the Treasurer of the County, or the Trustees of said State Hospital, as the case may be. The plaintiff in said action shall be entitled to recovery upon such bonds, from time to time, so much money, not in the whole exceeding the penalty of such bond exclusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town or county, or the said Trustees of any State Hospital for the maintenance and support of the person, for which said bond may have been given as aforesaid. The amount of such recovery may be collected

from the sale of the real or other security, mortgaged, pledged, or deposited therefor, in conformity with this Act.

SEC. 7. If any owner or consignee, as aforesaid, shall neglect or refuse to give the bond or bonds, with security therefor as in this Act required, for each person or passenger landing from his vessel, within three days after the landing of such person or passenger, in respect to bonds required by section two of this Act, or shall not within that time, have paid the money authorized by section three, to be received in cases where such bonds are commuted for, every such owner or consignee of such vessel, severally and respectively, shall be subject to a penalty of one thousand dollars, for each and every person or passenger on whose account such bond may have been required, or for whom such commutation money might have been paid under this Act. A penalty of two thousand dollars shall be incurred by every such owner or consignee, severally and respectively, for every neglect or refusal to give the bond or bonds, in section five of this Act, required for each person or passenger, landing from a vessel for whom such bond or bonds shall be required by the Mayor, by his endorsement, as in said section five provided, within three days after the making of such endorsement. Such penalty of two thousand dollars to be for each and every passenger on whose account such bond may have been required.

Refusal or neglect to give bonds.

Penalty.

SEC. 8. All moneys paid into the State Treasury under this Act, shall be and hereby are set apart and appropriated as a Hospital Fund for the support and maintenance of the State Hospitals now existing, or which may be hereafter created by law. Said Fund shall in all instances be first chargeable with the expenses and maintenance of the said State Hospital and shall be paid out upon the Warrants of the Comptroller of State, to be issued monthly in favor of the Treasurer of each of said Hospitals. Said fund shall be apportioned as follows, between the several State Hospitals, viz: Three-fifths to the State Marine Hospital, at San Francisco, one-fifth to the Sacramento State Hospital, and one-fifth to the Stockton State Hospital. If said fund shall not furnish a revenue sufficient to defray the expenses and maintenance of said Hospitals, then, and not otherwise, the other appropriations now made by law shall be applied to defray the deficiency, and the surplus, if any, remaining from such appropriations shall be at the end of every six months of the fiscal year, turned over to the credit of the General Fund.

Revenue under this Act.

Appropriation.

Hospital Fund.

Division.

Surplus.

SEC. 9. For all fines and penalties imposed by this Act, upon any master or commander, owner or consignee, for any omission, neglect, or refusal to perform, any act or duty required by this Act, such vessel shall also be liable; and the amount of such fines or penalties shall be a lien on such ship, steamer, or vessel, prior to all other liens, except those for seamen's wages, bottomry bonds and respondentia. In the ports of this State, where State Hospitals are now or may hereafter be established by law, such penalties and fines may be sued for and recovered in a civil action with costs of suit, by and in the name of the

Liability of vessels.

How enforced.

Trustees of said State Hospitals respectively; and in the city of San Francisco, by the Trustees of the State Marine Hospital, in any court having cognizance thereof; and when recovered, shall be applied to the support of such Hospital, by such Trustees respectively; in all other ports, such suits may be brought by and in the name of the Mayor of such port. It shall be lawful for the said Trustees of the said Hospitals, respectively, to compound or commute for any of the said penalties or forfeitures upon such terms as they shall think proper. They may also commute and compound with the owner or consignee of any ship, steamer or vessel, for any such bond or bonds as are required in section five of this Act, to be given by such owner or consignee, for such person or persons, passenger or passengers, as have been paupers in any other country, or who, from their condition, at the time of their arrival, in any part of this State, or from sickness or disease at the time of their leaving the port of departure, are a public charge, or are likely soon to become so; such commutation to be fixed by such Trustees, at such sum as they shall deem just and equitable, and sufficient to defray the necessary expenses, consequent upon the care, support and maintenance of the persons for whom such commutation shall be made, during the existence and continuance of their then sick, disabled or infirm state.

Mayor may compound or commute.

Paupers.

SEC. 10. In all cases of justification of sureties required under this Act, the sureties shall justify before the Mayor, required to approve the bond. The Mayor is hereby authorized to administer the oath or affirmation required upon such justification, for which he shall be allowed the same fees allowed by law to a Notary Public, for the same service. Every master or commander of any vessel, shall at the time of making his report, as in section one provided, make oath or affirmation, before the Mayor to whom such report is made, who is hereby authorized to administer such oath or affirmation, and to receive therefor the same fee as in case of justification of sureties.

Captain's oath.

Applications of words in this act.

SEC. 11. The word "vessel," whenever used in this Act, shall be held to include ships, steamers, barques, brigs, schooners, sloops, boats, and all other descriptions of water craft. The word "Mayor," whenever used in this Act, shall be held to include every Mayor of a city, or Officer, or Board discharging the duties of Mayor, or chief Municipal Officer.

Governor to appoint Commissioner of Immigration.

SEC. 12. For the city of San Francisco there shall be appointed by the Governor of State, by and with the advice and consent of the Senate, a Commissioner of Emigrants who shall in that city discharge the duties required by this Act, to be discharged by the Mayor of a city, and who shall have all the powers and authority, for that purpose, conferred by this Act upon Mayors of cities. He shall hold his office for two years, and before entering upon its duties he shall file in the office of Secretary of State, a bond, with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the Governor for the faithful performance of his duties. He shall receive a commission of five per cent. on all moneys collected

Bond.

Fees.

by him and paid into the State Treasury under this Act, he shall approve all bonds, and administer all oaths or affirmations required in the discharge of his duties, as in section ten of this Act provided. Whenever, in the city of San Francisco, it shall appear to said Commissioner, or in any other port of this State, to the Mayor thereof, that the master or commander of any vessel has not made a full and correct report, as in section one of this Act provided, such Commissioner or Mayor, shall have a right to enquire into the same, and for that purpose may compel the attendance of witnesses before him in the same manner by subpoena and attachment, as is provided for compelling the attendance of witnesses before District Courts in civil cases. The depositions taken in writing, before said Mayor or Commissioner, may be read in evidence on the trial of any suit commenced for any penalty or forfeiture, or for any sum due on any bond according to the provisions of this Act, with the like effect, as if regularly taken in such suit, subject to all legal exceptions thereto.

Mayor may act.

His duties.

Powers of Commissioner.

Depositions.

SEC. 13. The Consuls, Ministers, Agents, or public functionaries, of any foreign government, arriving within this State, in their official capacity, are exempted from the provisions of this Act.

Persons exempt.

SEC. 14. Sections one, two and three, of an Act entitled "An Act to provide a revenue for the State Marine Hospital at San Francisco," passed twenty-sixth of March, eighteen hundred and fifty-one, and "An Act amendatory of "An Act providing for the creation of a Marine Hospital for the State of California," passed seventh of February, eighteen hundred and fifty-one, are hereby repealed.

Sections of former acts repealed.

SEC. 15. The Governor may at any time, for cause shown, remove said Commissioner of Emigrants, and fill the vacancy by an appointment *pro tempore*, during the recess of the Senate, until the next session of the Senate.

The Governor may remove Commissioner.

SEC. 16. This Act shall take effect from and after its passage.

Commencement of this Act.

APPROVED May 3, 1852.

CHAPTER XXXVII.

AN ACT

To provide for the protection of Foreigners, and to define their liabilities and privileges : Whereas, great prejudices exist in the Mining districts in relation to the propriety of Foreigners being permitted to work Placer and Quartz diggings, inasmuch as they are not liable to the same duties as American citizens, whilst they enjoy the same privileges ; and whereas these contests produce great expenditure by the State in the maintenance of order, and whereas, in consideration of the protection and privileges extended, and secured to them by the Constitution and laws of our country, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows :

To procure
license.

SEC. 1. That from and after the first day of June next, and until the Congress of the United States shall by law assume control of the mining lands of California, no person not being a citizen of the United States, (California Indians excepted,) shall be allowed to take gold from any of the mines of this State, unless he shall have a license therefor as hereinafter provided.

Duty of the State
Comptroller.

SEC. 2. It shall be the duty of the Comptroller of State to procure a sufficient number of blank licenses, which shall be substantially in the following form, and numbered consecutively, and a record thereof be filed in his office. He shall deliver the said licenses to the Treasurer of State, and take his receipt for the same, upon the books of his office.

FORM OF LICENSE.

Form.	To be renewed upon expiration of term.	No. _____	County, (date,) _____	To be renewed upon expiration of term.
	County (date) _____ 185 _____	This certifies that has this day paid the Sheriff of County, three dollars which entitles him to labor in any mines within this State for one month from date.		
		has paid three dollars mining license, which entitles him to labor in the mines one month.		

Comptroller of State.

By Sheriff.

Sheriff to act as
Collector.

SEC. 3. The Sheriff of each county shall be the collector of license tax. under the provisions of this Act, who before entering

upon the duties herein provided for, shall enter into Bond to the State, with two or more sureties, to be approved by the Board of Supervisors, if any such Board exist in his County; if there be no such Board, then by the County Judge, in the sum of fifteen thousand dollars, conditioned for the faithful performance of the duties required of him by this Act, which Bond shall be filed in the office of the Clerk of said County; and the said Collector shall receive for his services, in collecting said License tax, ten per cent. on all sums collected.

His bond.

SEC. 4. The Treasurer of State shall fill the blanks for the numbers and Counties, which have been left in the printed form and shall be liable on his Bond for all licenses delivered to him by the Comptroller; except for such as he may have issued to the Recorders' of Counties, under the provisions of the following Section.

Duties of State Treasurer.

SEC. 5. The Treasurer of State shall issue as soon as practicable to the Recorder of each County and thereafter, previous to the fifteenth of December of each year, such number of licenses as may be deemed sufficient for the use of said County, taking separate receipts for each class of licenses issued, which receipts shall be recorded by the Treasurer, in a book to be provided for that purpose, and shall stand as a charge against said Recorder, and said Recorder shall execute a Bond to the State, conditioned for a faithful performance of all the duties required of him by this Act, in the sum of five thousand dollars; said Bond to be approved by the Governor and Comptroller.

County Recorder.

His duty.

Bond.

SEC. 6. The amount to be paid for each license shall be at the rate of three dollars per month, and said license shall in no case be transferable.

Amount of license.

SEC. 7. The Recorder shall deliver to the Sheriff of his county such number of licenses as said Sheriff may require, charging him therewith and taking his receipt therefor. The Sheriff shall make monthly returns to the Board of Supervisors, if any such Board exist in his County, if there be no such Board, then to the County Judge, of the number of licenses issued, and to whom; the amount of money received, and accompanying which returns shall be a list of the names of those to whom licenses have been issued by him; with the age of each, and the county from which he has migrated. The first returns shall be made on the first Monday in June, next, and thereafter a return shall be made on the first Monday of each succeeding month, as herein specified.

Duty of Recorder and Sheriff.

SEC. 8. The Sheriff shall have power to appoint a sufficient number of Deputies to assist him in the performance of his duties, who shall be paid by the Sheriff out of the per centage provided for in this Act. The said Sheriff to be responsible for the Acts of his Deputies, and may require from them such bond and surety as he may deem proper for his own indemnification.

Sheriff may appoint Deputies.

SEC. 9. Fifty per cent. of all moneys collected under the provisions of this Act, shall be paid into the State Treasury, and constitute a part of the General Fund; the balance, less the per centage allowed for collecting, shall be paid into the General

Appropriation of revenue under this Act.

Fund of the County; and it shall be the duty of the Sheriff to pay over to the County Treasurer, monthly, all moneys collected under the provisions of this Act.

Foreign miners.

SEC. 10. No foreign miner, who shall not have a license under the provisions of this Act, shall be allowed either to prosecute or defend any action in any of the Courts of this State.

Settlement of
County Treasurer

SEC. 11. Immediately preceding the time provided by law for the final settlement of the County Treasurers' with the Treasurer of State, it shall be the duty of each Recorder to whom licenses have been issued, to report to the Comptroller of State the number of licenses on hand in his office, as also the number in the hands of the Sheriff, who is hereby required to report to said Recorder the number of licenses not disposed of, for which he has receipted to the said Recorder.

Returns to be
compared.

SEC. 12. The Treasurer and Comptroller of State shall, as soon as practicable, compare the returns of the Sheriffs with the reports of the County Recorders, and if there shall be any discrepancy in the statements, it shall be the duty of the Comptroller to immediately inform the Prosecuting Attorney of the County in which such delinquent resides, who shall commence suit against such delinquent and his sureties forthwith.

Embezzlement of
officers.

SEC. 13. Any Sheriff or his deputy who shall neglect or refuse to pay over the money collected by him or them under the provisions of this Act, or shall appropriate any part thereof to his or their use, other than the per centage they are entitled to retain by the provisions of this Act, shall be deemed guilty of embezzlement, and upon conviction thereof, shall be punished by imprisonment in the State Prison any time not less than one year, nor more than ten years.

Penalty.

The same.

SEC. 14. Any officer charged with the collection of the tax provided to be collected by this Act, who shall give any receipt other than the receipt prescribed in this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the County Jail any time not exceeding six months.

Duty of Sheriffs.

SEC. 15. It shall be the duty of the different Sheriffs to return all unsold licenses to the County Recorders prior to the fifteenth day of December of each year, and receive new licenses, and the County Recorders shall immediately transmit to the Comptroller of State, said licenses, who shall deliver them to the Treasurer of State; said licenses so returned shall be placed to the credit of the different County Recorders, on the books of the Treasurer, and the licenses destroyed in presence of the Comptroller of State, who shall also make a record of the same.

Misdemeanor.

SEC. 16. Any person who shall make any alteration or cause the same to be made in any license, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, and imprisonment in the County Jail not exceeding six months.

Foreigners Habit-
tues.

SEC. 17. Any person or company hiring foreigners to work in the mines of this State, shall be liable for the amount of the licenses for each person so employed, as provided in this Act.

SEC. 18. These licenses shall be printed in English, Spanish, Printed forms. and French.

SEC. 19. This Act shall take effect from and after the first Commencement of the Act day of June, one thousand eight hundred and fifty-two.

APPROVED, May 4th, 1852.

CHAPTER XXXVIII.

AN ACT

To create a Board of Supervisors for the Counties of this State, and to define their duties and powers.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. There shall be in each County in this State, except Counties not required to elect. the Counties of San Joaquin, Butte, Trinity, Santa Barbara, Nevada, Yuba, Solano, Mariposa, Sutter, Placer, Shasta, Siskiyou, Klamath, and Sierra, a Board of Supervisors to consist of five members except in the County of Napa, where the Board shall consist of three members, to be elected as hereinafter prescribed ; *Provided* that no Justices of the Peace, Clerk, Sheriff, or other County officer, shall be eligible to the office of Supervisor.

SEC. 2. Said Supervisors, who shall be qualified electors of Time of election. their respective Counties, shall be elected at the next general election, and at the general election of every subsequent year, by the qualified voters of their respective Counties, and shall hold office for the term of one year from the period of their election, or until their successors shall be qualified ; *Provided*, that in the Counties of Sonoma, Santa Clara, Los Angeles, Contra Costa, Sacramento, El Dorado, Santa Cruz, and Tuolumne, a Board of Supervisors shall be elected on the second Monday of June next, who shall continue in office until their successors are qualified.

SEC. 3. The Board of Supervisors shall meet at the County Board required to meet. seat of their respective Counties on the first Monday of the ensuing month after their election, and the first Monday of each third month thereafter ; and also on the Second Monday after each general election, and oftener, if in their judgment the affairs of the County require it ; and their proceedings shall be public.

SEC. 4. They shall elect one of their number as Chairman of Election of Chairman and duty of Clerk. the Board. The Clerk of said Board shall keep a full and complete record of all the proceedings transacted by them while sitting, or otherwise ; and all their proceedings shall be entered in the journals, and the vote of each member shall be recorded on every question where there is a division.

SEC. 5. The Clerk shall receive a reasonable compensation His compensation for his services, to be fixed by the Board of Supervisors, in no case to exceed five hundred dollars a year.

Books and accounts of the Board open to inspection.

SEC. 6. The books, records, and accounts of the Board shall be kept in the office of the County Clerk, and shall at all times be open, free of charge, to public inspection.

Powers, duties, and responsibilities of Board of Supervisors.

SEC. 7. The Board of Supervisors shall have power, with the consent of a majority of all its members, to make such orders concerning the property of the County as they may deem expedient, and to sell and otherwise dispose of the same, appropriating the proceeds thereof to the use of the County; to audit the accounts of all officers having the management, collection, or disbursements of any moneys belonging to the Counties; to examine, settle, and allow all accounts chargeable against the County; to have the management and control of all public roads, ferries, highways, bridges, and the opening of new roads, and to make all necessary orders concerning the same; to establish townships and election districts, and to alter or modify the same; to appoint judges and inspectors of elections; to purchase or receive any property necessary for the use of the County; to erect or lease a Court House, Jail, and such other public buildings and improvements, as may be necessary for the use of the County; to take care of and provide for the indigent, sick, and insane in Counties where there is no public hospital; to levy and collect an annual tax, not to exceed one-half of one per cent. on the valuation of all property, real and personal, in the County, for the payment of the debts of the County; to ascertain and determine with a jury, or by consent of parties without a jury, the just compensation to be made to the owners of private property taken for public use; to sue and defend on behalf of the County; and to perform all such acts, as may be necessary to the discharge of the duties imposed upon them by law.

Board of Canvassers.

SEC. 8. The Board of Supervisors shall also act as a Board of Canvassers, and declare the election returns, and during the vacation of the Board, if necessary, the County Judge shall be authorized to appoint precincts, and officers of election, in manner as provided for by law; *Provided*, that the returns of the election for Supervisors shall be canvassed and declared by the County Judge, County Clerk, and Sheriff, acting as a Board.

Board of Supervisors.
Their duties.

SEC. 9. The Board of Supervisors shall require from the County Treasurer, and other officers charged with the collection of any revenue, or moneys belonging to the county, a quarterly report of all collections and disbursements made by them. The Board of Supervisors shall see that the County Treasurer, and other officers as aforesaid, faithfully perform all their duties with regard to the revenue, money, and property of the County, and shall have power to prosecute them for any and all delinquencies, or neglect in the discharge of their duties while in office, and shall from time to time, when acting as a Board, examine the books and vouchers of the County Treasurer, Sheriff, Assessor and all other officers engaged in the collection or disbursement of the moneys of the County.

Report of County Assessor.

SEC. 10. The Board of Supervisors within the different Counties, shall cause the State and County taxes to be levied upon the valuation made by the County Assessors; and it is

made the duty of the respective Assessors of each County, to furnish the Board of Supervisors, a certified copy of the assessment made by them, of all taxable property within the County, on or before the first Monday in July, annually, for which they shall receive such compensation as the Board may deem just.

SEC. 11. The Board of Supervisors shall, within sixty days after they enter upon the discharge of their duties, ascertain the amount of the then existing debt of the County, and the amount and condition of all property belonging to the County.

Duty of the Supervisors.

SEC. 12. The Board of Supervisors shall constitute a Board of Appeals for the equalization of taxes, and for that purpose they shall meet on the first Monday in July, annually, and continue in session for such time as they may deem necessary to transact the business of the County.

Board of Appeals.

SEC. 13. The Board of Supervisors shall have no power to contract any debts or liabilities, which, in the aggregate, shall exceed the estimated annual revenue of the County, for County purposes.

Debts and Liabilities.

SEC. 14. The County Clerk shall, *ex officio*, be the Clerk of the Board of Supervisors, and perform the duties enjoined by this Act.

County Clerk to be Clerk of Board.

SEC. 15. Each member of the Board of Supervisors shall be entitled to receive for his services, for each day's necessary attendance on the business of the County, the sum of five dollars per day, and twenty-five cents per mile, in going to the County Seat from his residence; and no member shall be interested in any contract for the County.

Compensation of Supervisors.

SEC. 16. From and after the election of a Board of Supervisors in any County, as herein provided for, the Court of Sessions shall cease to exercise any of the powers, or jurisdiction, given to the Board of Supervisors in this Act.

Jurisdiction of the Court of Sessions repealed.

SEC. 17. The Board of Supervisors shall have no power or authority to allow any account for office rent, or Clerk hire, for any Justice of the Peace, or other Town, County, or State officer, unless specially directed so to do by law.

Expenses of Board of Supervisors.

SEC. 18. The provisions of "An Act to create a Board of Supervisors for the County of San Francisco, and define their duties," passed April twenty-ninth, one thousand eight hundred and fifty-one, so far as they conflict with, or are restricted by the provisions of this Act, shall be and continue in force, the same as if this Act had not been passed; but where the provisions of this Act are cumulative to those of the first Act aforesaid, they shall also apply to the County of San Francisco.

Conflicting Acts repealed.

SEC. 19. That this Act shall not apply to those Counties in which there are, or hereafter may be, Boards of Supervisors created by especial Act, except as especially provided for in this Act.

Conflicting laws.

SEC. 20. The sixty-ninth section of the Act, entitled "An Act concerning Courts of Justice in this State, and Judicial officers," approved March eleventh, one thousand eight hundred and fifty-one, is hereby repealed, so far as the same conflicts with the provisions of this Act.

The same.

APPROVED, May 3, 1852.

CHAPTER XXXIX.

AN ACT

Concerning Licenses.

The People of the State of California, represented in Senate and Assembly do enact as follows :

ARTICLE I.

OF LICENSES PAYABLE INTO THE COUNTY TREASURY FOR COUNTY PURPOSES.

Individuals and Associations required to obtain a license.

SEC. 1. Licenses shall be obtained by the person or persons, private association or corporation, doing business in this State, engaged in any one or all of the following occupations, to wit: In buying or selling foreign or inland bills of exchange, or in loaning money at interest, or in buying or selling notes, bonds, or other evidences of indebtedness of private persons, or State, County or City stocks, or in buying or selling gold dust, gold or silver coin or bullion, or engaged as common carriers in transmitting or conveying gold dust, gold or silver coin or bullion, from any place in this State to any place without this State, or from one to another place within this State, for profit, or engaged in making, or in any wise executing any policy of insurance, thereby guaranteeing or insuring the safe carriage or transmission of any article of value, from any place in this State to any place without this State, or from one to another point in this State, for a valuable consideration, or engaged in receiving general or special deposits of gold dust, gold or silver coin or bullion, for profit; said licenses to be obtained, as hereinafter specified.

County Auditor to issue license.

SEC. 2. Licenses as required by the first section of this Act shall be obtained from the County Auditor of the County in which the party applying therefor, desires to transact any one or all of the occupations specified in said section.

Filing of Affidavit.

Contents.

SEC. 3. Before any Licenses shall be granted under the provisions of this Act, the person or persons, private association or corporation applying therefor, shall file with the County Treasurer of the County in which he or they desire to transact business, an affidavit, stating particularly therein what branch or branches of business, specified in this Act he or they desire to engage in; and state as near as in his or their judgment the gross amount of business, whether founded on capital in this State, or founded on the faith of capital without this State, monthly, he or they will transact in each branch of business designed to be carried on, in the three months next ensuing the date of said affidavit.

SEC. 4. On making and filing said affidavit. if the amount of

business estimated to be done by the applicant or applicants for Licenses, within three months next succeeding the day of filing the affidavit be over five thousand dollars and under twenty thousand dollars, the applicant or applicants shall pay the Treasurer twenty-five dollars; if the amount of business estimated to be done, be not less than twenty thousand dollars, nor more than fifty thousand dollars, then he or they shall pay the Treasurer one hundred and twenty-five dollars; if the amount of business estimated to be done, shall be not less than fifty thousand dollars, nor more than one hundred thousand dollars, then he or they shall pay the County Treasurer, two hundred and fifty dollars; if the amount of business estimated to be done, shall be not less than one hundred thousand dollars, nor more than five hundred thousand dollars, then he or they shall pay the Treasurer five hundred dollars; if the amount of business estimated to be done shall not be less than five hundred thousand dollars, nor more than one million dollars, then he or they shall pay the Treasurer seven hundred and fifty dollars; if the amount of business estimated to be done shall not be less than one million dollars, nor more than two million five hundred thousand dollars, he or they shall pay the Treasurer one thousand dollars; if the amount of business estimated to be done shall not be less than two million five hundred thousand dollars, and estimated at any greater amount, then he or they shall pay the Treasurer twelve hundred and fifty dollars.

The amount of license.

The same.

SEC. 5. On the party paying to the County Treasurer an amount of money for License in proportion to the estimated amount of business specified in the affidavit, as provided in the preceding section, the Treasurer shall thereupon execute and deliver to such party a receipt therefor, in which he shall specify the amount of money paid, by whom paid, and the class or classes of business, for the transaction of which the party wishes to obtain a License.

Treasurer to issue receipt.

SEC. 6. Said receipt shall be presented to the County Auditor, who shall thereupon issue and deliver a license to the party, under his hand and seal of office, in which License shall be stated the class of business authorized to be transacted; and the Auditor shall thereupon charge the County Treasurer with the amount of money specified in said receipt, in a book to be kept for the purpose, and shall file said receipt as a voucher in his office.

Auditor to issue license.

SEC. 7. The License thus obtained shall authorize the party to transact any or all the occupations therein specified, in the County where obtained, during the term of three months from the date thereof, and no longer.

Limit of license.

SEC. 8. Any party having once obtained a license under the provisions of this Act, and desirous of continuing any one of all the occupations herein mentioned, may obtain License again, in the manner above prescribed, except at the time of filing affidavit of the estimated amount of business before the Treasurer, he or they shall also file an affidavit, showing the actual amount of business done during the last three months, in which he or they were engaged, in any one or all the occupations set forth in his or their affidavit for Licenses.

Renewal of license.

Letter carriers
exempt.

SEC. 9. The provisions of this Act shall not be construed to apply to any person or persons engaged in conveying letters, papers or documents, from one part of this State to another; any moneys received for such service shall not enter into the computation or estimate in the affidavit to procure License.

Who may obtain
license.

SEC. 10. License may be procured by the party in person, or by agent or attorney, or by any one partner in the name of all his copartners; and in case of corporations by application of the President, Secretary, or Attorney of such corporation; and the party in every instance making the application, shall file the affidavit or affidavits required in this Act.

Penalties for
misdemeanor.

SEC. 11. Every person, private association, officer, agent, or attorney of any corporation, who shall transact any one or all the branches of business enumerated in this Act, without first obtaining a License as herein provided, or knowingly make a false affidavit to procure such License, shall be deemed guilty of a misdemeanor, and upon conviction thereof, by presentment or indictment before any Court of competent jurisdiction, be fined in any sum not less than five hundred nor more than five thousand dollars for each and every offence; or be imprisoned in the County Jail not less than ten days, nor more than six months; and every person professing to transact any such business as agent or attorney for his principal, in the absence of such principal, without such License, shall be deemed a principal within the meaning of this Act, and be punished accordingly.

SEC. 12. The County Auditor shall at least once in every three months forward to the Comptroller of State, a full abstract of all Licenses granted; to whom granted, and the amount of money paid on account of the same; the Comptroller shall thereupon charge the County Treasurer with the amount thereof.

Duty of County
Treasurer.

SEC. 13. It shall be the duty of the County Treasurer, once in every three months, to pay to the Treasurer of State all moneys, less his fees for collections, realized under the provisions of this Act, in the same manner as other revenue, and the receipt of the Treasurer of State therefor, shall be a sufficient voucher for the County Treasurer in settlement with the County Auditor.

His compensation

SEC. 14. The County Treasurer shall receive as compensation in full for all services rendered under this Act, five per cent. on all sums received and paid over to the Treasurer of State, as provided in this Act; *Provided*, that in the Counties of San Francisco and Sacramento, the Treasurer shall receive but one per cent.

ARTICLE II.

Vending of for-
eign merchandise.

SEC. 1. Every person who shall deal in the selling of any goods, wares and merchandise, wines and distilled liquors, drugs or medicines, except the agricultural productions of this State, and except such as are sold by auctioneers or commission merchants, under license or permission according to law, and by licensed tavern keepers, shall on or before the first day of June, of the present year,

County, [L. S.] has paid to me for
the use of the State of California dollars, which entitles
him to wholesale or retail merchandise and liquors, as a wholesale *Form of license.*
dealer, (or a retail dealer) in merchandise and liquors of the
class, within the County of for one year from the
day of A. B. Treasurer of County.

SEC. 2. All persons dealing as aforesaid, shall be classed according to the amount of the average monthly sales effected, in the manner following, that is to say—those who are estimated and taken by the Assessor of the County, to make average monthly sales to the amount of one hundred thousand dollars, or more, shall constitute the first class ; of fifty thousand, and not exceeding one hundred thousand dollars, shall constitute the second class ; of forty thousand, and not exceeding fifty thousand dollars, shall constitute the third class ; of thirty thousand, and not exceeding forty thousand dollars, shall constitute the fourth class ; of twenty thousand, and not exceeding thirty thousand dollars, shall constitute the fifth class ; of ten thousand, and not exceeding twenty thousand dollars, shall constitute the sixth class ; of five thousand, and not exceeding ten thousand dollars, shall constitute the seventh class ; of two thousand five hundred, and not exceeding five thousand dollars, shall constitute the eighth class ; of one thousand, and not exceeding two thousand five hundred dollars, shall constitute the ninth class ; of sums below one thousand dollars per month average, shall constitute the tenth class. The License for the first class shall be given upon the payment, as aforesaid, of fifty dollars per month ; for the second class, upon the payment of twenty-five dollars per month ; for the third class, twenty dollars ; the fourth, fifteen dollars ; the fifth, ten dollars ; the sixth, five dollars ; the seventh, two dollars and fifty cents ; the eighth, one dollar and fifty cents ; the ninth, one dollar ; the tenth, fifty cents.

ARTICLE III.

County license
tax.

SEC. 1. There shall be assessed, and paid into the County Treasury for County expenditures, the following License tax—License to be granted in the same manner as is provided in section one of article one of this Act.

Hotels.

Liquor dealers.

SEC. 2. All tavern or inn keepers, and all persons who may sell or dispose of any spirituous liquors or wines, in less quantity than one quart, shall on or before the first day of July, of the present year, and upon the first day of July, of every year thereafter, take out a License, and make the following named payments, viz: Those making sales to the extent of ten thousand dollars, or more, as a monthly average, shall constitute the first class; sales to the extent of five thousand dollars, and not exceeding ten thousand dollars, as a monthly average, shall constitute the second class; sales to the extent of twenty-five hundred, and not exceeding five thousand dollars, as a monthly average, shall constitute the third class; sales to the extent of one thousand dollars, and not exceeding twenty-five hundred dollars, as a monthly average, shall constitute the fourth class; sales less than an average of one thousand dollars per month, shall constitute the fifth class. The License to be paid by the venders of the first class, shall be fifty dollars per month; of the second class, twenty-five dollars per month; of the third class, fifteen dollars per month; of the fourth class, five dollars per month; of the fifth class, two dollars and fifty cents per month; *Provided*, said Licenses may be given by the direction of the Board of Supervisors, if any be, otherwise by the Court of Sessions, for three, six, or twelve months, as desired by the vender.

Toll-bridges and
Ferries.

SEC. 3. In the case of toll bridges and ferries, the company, or person or persons owning such bridge or ferry, shall be listed in the county where the bridge or ferry is made, and where said bridge or ferry is situated upon a stream, river, or slough, dividing counties, they shall be listed in the county where the tolls or ferriage are collected, and the amount of the same be paid over, the one-half to each county; and a License be issued by each county in manner aforesaid. The License tax on bridges and ferries shall be as follows: Where the monthly receipts exceed ten thousand dollars, five hundred dollars per annum; where the monthly receipts exceed five thousand dollars, and are less than ten thousand dollars, two hundred and fifty dollars per annum; where the monthly receipts exceed two thousand dollars, and are less than five thousand dollars, one hundred and twenty-five dollars per annum; where the monthly receipts exceed five hundred dollars, and are less than two thousand dollars, seventy-five dollars per annum; where the monthly receipts are less than five hundred dollars, forty dollars per annum, or less if the Board of Supervisors shall deem so proper.

Pedlars, &c.

SEC. 4. Each travelling merchant, hawker, or pedler, shall pay the sum of seven dollars per month, under such rules and regulations as the Board of Supervisors, as aforesaid, or the Court of Sessions may determine.

SEC. 5. For each caravan, menagerie, or other collection of

animals, and for each show of any figures, and for each circus, rope or wire dancing, or sleight of hand exhibition for reward, shall pay ten dollars per day license; for each billiard table ten dollars per month, and for each ten pin alley, five dollars per month.

Billiard Tables,
Ten-pin Alleys
and Public Ex-
hibitions.

SEC. 6. For each theatrical performance, a license of ten dollars per day, if granted for a less time than one month. If granted for one month, one hundred and fifty dollars shall be paid. If granted for three months, three hundred dollars. If granted for one year, one thousand dollars.

Theatres.

SEC. 7. For each license to vend wooden, brass or composition clocks, five dollars per month.

Vending Clocks.

SEC. 8. Nothing in this Act shall be construed to require a license to sell the agricultural productions of this State, nor shall any license be required for such purpose.

Agricultural pro-
ductions exempt.

SEC. 9. The licenses provided for, by this Article, shall be collected and paid for the use of the county where granted, in same manner as provided by law for the collection of County Revenue, under the direction of the County Supervisors, if any be, otherwise by the Court of Sessions.

Appropriation of
County license.

SEC. 10. The licenses provided to be granted by this Article may be for one month, three months, six months, or one year, at the option of the party desiring to be licensed. Every person who shall transact, or carry on any business, specified in this Act, without first procuring the license required, for each and every offence shall be liable to an action in the name of the State or County, in any Court of competent jurisdiction, for the amount of said license, with costs of prosecution; and it is hereby made the duty of the County Attorney to prosecute the suits provided for in this section; and the moneys, when recovered, shall be paid into the County Treasury.

Limits of license
and liability for
neglect to pro-
cure.

SEC. 11. The Assessor of each County shall make diligent inquiry as to any party or parties, who may be neglecting the requirements of this Act, and report thereof make to the County Treasurer, who shall thereupon deliver to the Sheriff of the County a certified list thereof, and it shall furthermore be the duty of the Sheriff, or Deputy appointed by him, to enforce the collection of the License tax provided by this Act; and for that purpose the Sheriff is hereby empowered to seize upon any property offered to be sold or used without license, and to hold the same at the expense of the party so failing to pay license—to report within five days his proceeding to the nearest Court of competent jurisdiction, within the County, and upon a decision of the Court against the party so failing to pay license, the Sheriff shall proceed to sell, within three days thereafter, so much of the property aforesaid as may be necessary to pay the amount of license due, together with the costs thereupon, and shall deliver the residue, if any, to the party entitled to receive the same, and the Sheriff shall pay over the amount thus received to the County Treasurer, after deducting as compensation, where no suit is instituted, the rate of ten per centum upon the amount so collected.

County Assessors,
their duties.

Sheriff to enforce.

His duty and pro-
ceeding under this
Act.

His compensation

SEC. 12. Any Sheriff or County Treasurer, or other officer

Liabilities of officers.

Penalties.

Repeal of conflicting laws.

empowered to collect any of the license tax provided for by this Act, shall pay into the County Treasury the precise money or County Scrip which he may receive; and a County Treasurer or other officer aforesaid, convicted in a Court of competent jurisdiction, of changing in any way, or using in any manner, the funds collected under the provisions of this Act, than to pay them over to such uses as are required by law, shall be deemed guilty of a misdemeanor, and fined in any sum not less than double the amount, in coin value, of the funds so used; and may be imprisoned in the County Jail for a term not exceeding three months.

SEC. 13. The fifty-seventh, sixtieth, sixty-first, sixty-second, and sixty-third sections of "An Act prescribing the mode of Assessing and collecting Public Revenue," passed May first, one thousand eight hundred and fifty-one, be, and the same are hereby repealed, and the provisions of "An Act to provide for the levying, assessing and collecting Public Revenue," passed one thousand eight hundred and fifty-two, are hereby made to apply to this Act, so far as may be consistent therewith.

APPROVED, May 4, 1852.

CHAPTER XL.

AN ACT

Concerning the organization of the Militia.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Persons subject to military duty.

SEC. 1. All free, able bodied, white citizens, between the ages of eighteen and forty-five years, residing in this State and not exempt by law, shall be subject to military duty, and shall be enrolled as hereinafter directed.

Military districts.

SEC. 2. The enrolled Militia and Volunteers, or Independent Companies, of this State, shall be organized into seven Military Districts, as follows:

Counties embraced in each district.

SEC. 3. The Counties of San Diego, Los Angeles, Santa Barbara, San Luis Obispo, and Monterey, shall compose the First Military District. The Counties of Santa Cruz, Santa Clara, Contra Costa and San Francisco, shall compose the Second Military District. The Counties of Calaveras, Tuolumne, San Joaquin and Mariposa, shall compose the Third Military District. The Counties of Yolo, Marin, Sonoma, Napa, Solano and Mendocino, shall compose the Fourth Military District. The Counties of Trinity, Klamath and Shasta, shall compose the Fifth Military District. The Counties of Colusi, Butte, Yuba and Nevada, shall compose the Sixth Military District. The Counties of Sacramento, Sutter, Placer and El Dorado, shall compose the Seventh Military District.

Independent companies.

SEC. 4. Each County shall have the right and power to organize one or more Independent Companies, who shall be governed

by rules, regulations and laws, that they shall choose to adopt; provided, they are in accordance with the rules, regulations and laws, governing the Army of the United States. Organization.

SEC. 5. Each Independent Company is authorized to call on the Governor for arms and equipments, necessary for said Company, and it shall be the duty of the Governor, to instruct the Quarter Master General to issue the same, if they are in his hands, and to take bonds and security therefor; that all Volunteer Companies organized under the provisions of this Act, shall be considered and are hereby declared incorporated, possessing the rights to enact and enforce such by-laws and regulations, as they may deem proper for their own government; *Provided* they do not conflict with the constitution and laws of the United States and the State of California. State to furnish arms and equipments.
Conditions.

SEC. 6. The Commander-in-Chief may nominate and appoint seven Aids-de-Camp, who shall rank, respectively, as Colonels of Cavalry, and who shall continue in office for the same term, as the Commander in Chief, by whom they were appointed. The Legislature, after the passage of this Act, shall, in joint convention, elect a Quarter Master General, who shall also perform the duties of Adjutant General, and shall rank as Brigadier General, and who shall hold his office for the term of four years. Aids-de-camp.
Quarter-master General.

SEC. 7. All the Officers hereby created, shall be commissioned by the Governor, and shall take the oath of office, prescribed by the Constitution, before some officer authorized by law to administer oaths, a copy of which oath shall be endorsed on their commissions. Officers to be commissioned by the Governor.

SEC. 8. It shall be the duty of the Quarter Master General, to carefully guard and provide a suitable place for the preservation of all arms, ammunitions, ordnance, military clothing, military supplies, musical instruments, colors and other effects, granted by the United States to the State of California, or which may be purchased by the State, or in any other manner may become the property of the State; also, to receive and keep all reports and returns, made to him by the Aids-de-Camp, concerning the number of enrolled Militia, in each Militia District, all muster rolls of Independent or Volunteer Companies, which may be required of him by law. Duty of the Quartermaster General

SEC. 9. He shall report to the Governor, on the fifteenth day of December, annually, to be laid before the Legislature: First, an account of all arms, ordnance, ammunition, military clothing, military supplies, musical instruments, colors and other effects, which may have come into his possession, how, when and from what source, since the commencement of his term of office. Second, an account of all articles issued or expended since the last annual report, to whom issued or how expended, and by whose orders. Third, a statement of the present condition of all effects in his possession. Fourth, how much money has been expended for the care, repairs and preservation of the arms and other effects of the State, since his last annual report. But in no case shall he expend for rent, taking care of arms, or for any purpose what- To report annually.
Contents.
Expenditures.

ever, a sum exceeding one thousand dollars over and above the amount of his salary.

Successor in office
His duties.

SEC. 10. The Quarter Master General at the expiration of his term of office, shall turn over to his successor in office, in good order, all arms, ammunition, ordnance and all other military effects of every kind, and all reports, returns, receipts, bonds, money and other effects belonging to his office.

His bond.

SEC. 11. He shall give bonds to the State of California, with good securities, to be approved by the Governor, in the sum of twenty-five thousand dollars, conditioned that he will faithfully perform all the duties enjoined on him by law.

Distribution of
arms, &c.

SEC. 12. He shall issue to the Commanding Officer, of any Volunteer Company, or to any Military Officer, on a proper requisition, approved by the Commander-in-chief, such portion of the arms, ammunition, ordnance and other military effects, as shall be exactly designated in such requisition, taking a duplicate receipt signed by the person bearing the requisition.

Salary of Quarter-
master.

SEC. 13. He shall receive a salary of two thousand dollars, to be paid in quarterly instalments, out of the State Treasury not otherwise appropriated.

Assessor to report
persons subject to
military duty.

SEC. 14. Each County Assessor shall, at the same time in each year, when he prepares a roll, containing the names of all the taxable inhabitants in his County, make out a separate and distinct list of all persons subject to military duty, who are not exempt by law, and who are not members of any Volunteer or Military Company, and on or before the first Monday in August, of each year, shall transmit a copy of said list, testified to be correct by him, to the Aid-de-Camp of his District, and shall deposit the original list in the office of the Clerk of the County.

Duty of Aid-de-
Camp.

SEC. 15. It shall be the duty of the respective Aids-de-Camp, to make out a list from the County Assessor's militia roll, on or before the first day of October, in each year, of all the inhabitants subject to military duty, within his District, stating the number in each County, separately, of which list he shall forward to the Quarter Master General, a copy, and file the original in his office.

Requisition of the
United States
upon the Govern-
or, in case of
war.

SEC. 16. In case of war, insurrection or rebellion, or the resistance of the execution of the laws of the State, or upon the call or requisition of the United States, upon the Governor of this State, for troops, or upon the call or requisition of any officer of the Army of the United States, commanding a Military Division, Department or District, the Commander-in-chief is authorized to call for such portion of the enrolled Militia of this State, by an order directed to all or any Aid-de-Camp, of the different Districts in the State, as he in his discretion may deem necessary, and also to call upon all or any of the Volunteer or Independent Companies of the State, by an order directed to the Commanding Officer, of each of such Companies, as he may decide to call into the service, mentioning in each order, the time and place of rendezvous, and naming the officer or person to whom each of such Aid-de-camp, or each of such commanding officer, shall report.

SEC. 17. Whenever any Aid-de-camp shall receive such order

from the Commander-in-chief, he shall immediately cause the same to be published in the papers of his District, or in such as may be necessary, or in some other manner, he shall give publicity to the order, and unless the requisite number of men be furnished promptly, by the volunteering of Independent Companies, or of enrolled Militia, or of other persons subject, under this law, to military duty, the said Aid-de-Camp shall forthwith proceed to draft from the enrolled Militia, of his District, or from other inhabitants of his District, subject under this law to military duty, the number of men called for by the order of the Commander-in-chief. He shall cause the names of the men so drafted, to be made known, and shall direct them to rendezvous at some convenient point and fixed time, or as directed in the order of the Commander-in-chief. The Aid-de-Camp, if present, shall superintend the election of officers, as provided in section eighteen of this Act, and when he is not present, the men assembled shall appoint their own Judges, and Inspectors, and proceed to organize as herein provided for.

Governor's order.

Aids-de-Camp.

Duties.

SEC. 18. Whenever the Commander-in-chief, in case of war, invasion, insurrection or rebellion, calls out a number of men, said men shall elect their officers by ballot.

Election of officers.

SEC. 19. When the Company or Companies, Battalions or Regiments, Brigades or Divisions, are called out by the Commander-in-chief, according to section sixteen, and shall have elected their officers as prescribed by section eighteen, the Commander-in-chief, shall commission the elected officers who shall hold their commissions until disbanded by order of the Commander-in-chief.

Officers to be commissioned.

SEC. 20. Any person when ordered out by the Commander-in-chief through the Aid-de-camp, who shall refuse to rendezvous and organize in person, or by substitute, as provided in the foregoing section, shall be subject to a fine not exceeding five hundred dollars, to be recovered by an action brought by the County Attorney, before any court of competent jurisdiction, upon information given to him by the Aid-de-camp.

Non-compliance with law.

Penalty.

SEC. 21. A company, either Volunteer or Militia, shall be composed as follows: one Captain, one First Lieutenant, two Second Lieutenants, four Sergeants, four Corporals, two Musicians and sixty privates. A Battalion, to be entitled to be commanded by a Major, shall consist of two or more companies, as above described not to exceed four; a Battalion of five or more companies, not to exceed nine, shall be commanded by a Lieutenant Colonel; a Regiment, entitled to be commanded by a Colonel, shall consist of ten companies of the above legal standard; a Brigade, to be entitled to be commanded by a Brigadier General, shall consist of two full Regiments, of twenty companies; a Division, to be entitled to be commanded by a Major General, shall consist of two or more Brigades.

Organization of Companies.

Battalion.

Regiment.

Brigade.

Division.

SEC. 22. Whenever, in case of actual service, the Governor may call troops into the field, such troops shall be entitled to elect their own officers; but no such officer shall be entitled to receive pay of a higher grade than that to which the number of men, over whom he is so placed, shall be entitled under the provisions of the

Pay of officers and privates.

foregoing section ; all troops called into actual service, after the passage of this Act, for the suppression of Indian hostilities, or for any other object, shall be entitled to, and receive the same pay as the United States troops, serving in California, and no more.

Former Act repealed.

SEC. 23. The "Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation," passed March seventeenth, eighteen hundred and fifty-one, is hereby repealed ; *Provided* that no claim or right, that may have accrued under said Act, be affected by this repeal.

APPROVED May 1, 1852.

CHAPTER XLI.

AN ACT

To prevent certain Public Nuisances.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Public nuisances under this Act.

SEC. 1. If any person or persons shall put the carcase of any dead animal, or the offal from any slaughter pen, coral, or butcher shop into any river, creek, pond, street, alley or public highway, or road in common use, or shall attempt to destroy the same with fire, within one quarter of one mile of any village, town or city of this State, any person or persons so offending shall be presented to the Grand Jury of the County wherein the offence has been committed, and if the Grand Jury shall find a true Bill, the Court of Sessions shall proceed to try the cause in like manner with misdemeanor, and upon conviction, the parties so offending shall be fined not less than one hundred dollars nor more than three hundred dollars.

Penalty.

Fines to be paid into County Treasury.

SEC. 2. That all forfeitures and penalties accruing under this Act, shall be paid into the County Treasury of the proper county within ten days after conviction ; *Provided*, that if the defendant shall consider him or herself aggrieved by the decision of said Court, he or she so convicted shall have the right of an appeal as in other cases, to a higher Court.

Appeal.

Commencement of the Act.

SEC. 3. This Act shall take effect from and after the first day of June next.

APPROVED, May 3, 1852.

THIRD SESSION.

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CHAPTER XLII.

AN ACT

To authorize Married Women to transact business in their own name as Sole Traders.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. Married women shall have the right to carry on and transact business under their own name, and on their own account, by complying with the regulations prescribed in this Act.

May transact business on their own account.

SEC. 2. Any married woman residing within this State, desirous to avail herself of the benefit of this Act, shall make a declaration before a Notary Public, or other person authorized to take acknowledgments of deeds, that she intends to carry on business in her own name, and on her own account, specifically setting forth in her declaration the nature of the business, trade, profession or art, and from that date she shall be individually responsible in her own name for all debts, contracted by her on account of her said trade, business, profession or art, said declaration shall be recorded in the office of the County Recorder, in the County where said business, trade, profession or art is to be carried on or practised, and also to be advertised in some public newspaper of general circulation in said County, for three successive weeks, and if any newspaper be published in said County, said publication shall be made in the paper so published in said County.

Manner of proceeding.

Declaration

To be recorded.

Publication.

SEC. 3. After the declaration has been duly made and recorded, as provided in the second Section of this Act, the person so making her declaration as aforesaid, shall be entitled to carry on said business, trade, profession or art, in her own name, and the property, revenue, moneys and debts, and credits so invested, shall belong exclusively to said married woman, and shall not be liable for any of the debts of her husband, and said married woman shall be allowed all the privileges and be liable to all the legal processes now or hereafter provided by law against debtors and creditors.

Privileges under the Act.

Not liable for husband's debts.

SEC. 4. Any married woman availing herself of the benefit of this Act, shall be responsible for the maintenance of her children.

Shall maintain children.

SEC. 5. No married woman shall commence or carry on business on her own account under the provisions of this Act, when the amount originally invested in said business is more than five thousand dollars, unless the declaration provided for in Section second, contain also a statement, under oath, that the surplus of money above five thousand dollars, invested in said business, did not come from any funds belonging to her husband.

Capital invested.

Husband not
liable.

SEC. 6. The husband of the wife availing herself of the benefit of this Act, shall not be responsible for any debts contracted by her in the course of the said business, without the special consent of her husband, given in writing, nor shall his separate property be taken on execution for any debts contracted by her.

Commencement
of this Act

SEC. 7. This act shall take effect and be in force from and after its passage.

APPROVED, April 12, 1852.

CHAPTER XLIII.

AN ACT

To amend. An Act entitled "An Act to regulate Rodeos," approved April the thirtieth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Former Act
amended.

Annual Rodeos.

Notice.

SEC. 1. That section first of "An Act to regulate Rodeos," approved April the thirtieth, one thousand eight hundred and fifty-one, be so amended as to read as follows: "Section first. Every owner of a stock farm shall be obliged to give, yearly, one general Rodeo, within the limits of his farm, from the first day of April until the thirty-first day of July, in the Counties of San Luis Obispo, Santa Barbara, and San Diego; and in the remaining Counties, from the first day of March until the thirty-first day of August, and the person giving such general Rodeos, shall give notice thereof to all the owners of adjoining farms, at least four days previous to said Rodeos being made, in order that parties interested may meet, for the purpose of separating their respective cattle, it being understood that this requisite will be complied with by giving verbal notice to the owners of such adjoining farms, or by leaving a notice at their respective farm residences with any servant or member of the family."

Neglect or refusal.

SEC. 2. That the second section of said Act be so amended as to read as follows: "Section Second. If any person, required to give such general Rodeos, by the provisions of this Act, shall neglect or refuse to do so, or wilfully neglect to collect any portion of his stock, any adjoining stock farmer shall have power to give such Rodeos, and the person so neglecting or refusing, shall pay the cost of the same; in this case, the person giving such Rodeos, shall give notice as required in section one."

Exempt during
certain months.

SEC. 3. That section third of said Act be hereby amended so as to read as follows: "Section Third. No owner of a stock farm shall be required to give a Rodeo from the first day of November to the first day of March, in each year, except on a con-

tract for the delivery of cattle, or on a legal demand from the Sheriff or Constable of his County, having an execution against the owner, and demands a Rodeo for levy or delivery of cattle: but in other months of the year he shall be required to collect his cattle upon application of owners of cattle, *Provided*, good cause is shown, and the party applying for the Rodeo pay the expenses thereof."

APPROVED, March 26, 1852.

CHAPTER XLIV.

AN ACT

Concerning Escheated Estates.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That if any person shall die, or any person who may have died, in this State, seized of any real or personal estate, without any devise thereof, and leaving no heirs or representatives capable of inheriting the same, or the devisees thereof be incapable of holding the same, and in all cases where there is no owner of such real estate, capable of holding the same, such estate shall escheat to and be vested in this State. Escheated estate.

SEC. 2. That whenever the Attorney-General, or District Attorney, shall be informed, or have reason to believe, that any real estate in his district hath escheated to the State, by reason that any person hath died seized thereof, without devising the same, and leaving no heirs capable of inheriting the same, or by reason of the incapacity of the devisees to hold the same, and such estate shall not have been sold, according to law, within two years after the death of the person last seized, or when he shall be informed or has cause to believe that any such estate within his district hath otherwise escheated to the State, it shall be his duty to file an information, in behalf of the State, in the District Court of the Judicial District, or of any adjoining judicial district, in which such estate is situated, setting forth a description of the estate, the name of the person last lawfully seized, the name of the *terre-tenant* and persons claiming such estate, if known, and the facts and circumstances in consequence of which such estate is claimed to have escheated, and alleging that by reason thereof the State of California hath right by law to such estate: whereupon such Court shall award and issue a summons against such person or persons, bodies politic or corporate, as shall be alleged in such information to hold, possess or claim such estate, requiring them to appear and show cause why such estate should not be vested in the State, on the Duty of Attorney General or District Attorney. To give information. Court to issue summons.

Order. first day of the next regular term of said Court; which summons shall be served at least fifteen days before the return day thereof; and the Court, moreover, shall make an order setting forth briefly the contents of such information, and requiring all persons interested in the estate to appear and show cause, if any they have, on the first day of the next term of the said Court, why the same should not vest in the State; which order shall be published in a newspaper, published in said district, if one be published therein, and in case no newspaper should be published in said district, the same to be published by direction of the Judge in some other newspaper in this State.

Proceedings. SEC. 3. All persons, bodies politic and corporate, named in such information as *terre-tenant*, or claimant to the estate, may appear and plead to such proceedings, and may traverse or deny the facts stated in the information, the title of the State to lands and tenements therein mentioned, at any time on or before the third day of the return day of the summons; and any other person claiming an interest in such estate may appear and be made a defendant, and plead as aforesaid, by motion for that purpose in open Court, within the time allowed for pleading as aforesaid; and if any person shall appear and plead as aforesaid, or shall refuse to plead within the time, then judgment shall be rendered that the State be seized of the lands and tenements in such information claimed. But if any person shall appear and deny the title set up by the State, or traverse any material fact set forth in the information, or issue or issues, shall be made up and tried as other issues of fact, and a survey may be ordered and entered as in other actions when the title or boundary is drawn in question; and if after the issues are tried, it shall appear from the facts, found or admitted, that the State hath good title to the land and tenements in the information mentioned, or any part thereof, judgment shall be rendered that the State be seized thereof, and recover costs of suit against the defendants.

Appeal. SEC. 4. Any party who shall have appeared to any proceedings, as aforesaid, and the Attorney-General or District Attorney in behalf of the State, shall respectively have the same right to prosecute an appeal or writ of error upon any judgment, as aforesaid, as parties in other cases.

Heirs may claim within ten years. SEC. 5. The Comptroller of State shall keep just and true accounts of all moneys paid into the Treasury, all lands vested in the State, as aforesaid; and if any person shall appear within ten years after the death of the intestate, and claim any moneys paid into the Treasury, as aforesaid, as heir or legal representative, such person may file a petition to the District Court in which the Seat of Government may be staying, stating the nature of his claim, and praying such money may be paid him; a copy of such petition shall be served on the Attorney-General at least twenty days before the hearing of said petition, who shall put in answer to the same, and the Court thereupon shall examine said claim, and the allegations and proofs; and if the Court shall find that such person is entitled to any money paid into the State Treasury, he shall

Proceedings.

by an order, direct the Comptroller to issue his warrant on the Treasury for the payment of the same, but without interest or cost to the State; a copy of which order, under the seal of the Court, shall be a sufficient voucher for issuing such warrant; and if any person shall appear and claim land vested in the State, as aforesaid, within five years after the judgment was rendered, it shall be lawful for such person (other than such as was served with a summons or appeared to the proceeding, their heirs or assigns,) to file in the said District Court, in which the lands claimed lie, a petition setting forth the nature of his claim, and praying that the said lands may be relinquished to him; a copy of which petition shall be served on the Attorney-General, who shall put in an answer, and the Court thereupon shall examine said claim, allegations and proofs, and if it shall appear that such person is entitled to such land claimed, the Court shall decree accordingly, which shall be effectual for divesting the interest of the State in or to the lands; but no costs shall be charged to the State; and all persons who shall fail to appear and file their petition, within the time limited as aforesaid, shall be forever barred; saving, however, infants, married women, and persons of unsound mind, or persons beyond the limits of the United States, the right to appear and file their petition, as aforesaid, at any time within five years after their respective disabilities are removed: *provided, however*, that the Legislature may cause such lands to be sold at any time after seizure, in such manner as may be provided by law; in which case the claimants shall be entitled to the proceeds, in lieu of such lands, upon obtaining a decree or order as aforesaid.

APPROVED, May 4, 1852.

CHAPTER XLV.

AN ACT

Amendatory of An Act entitled "An Act to regulate the settlement of the estate of deceased persons," passed May first, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The seventy-third section of the above named Act, is hereby amended so as to read as follows: Section seventy-third: Every person to whom letters testamentary or of administration, shall have been directed to issue, shall, before receiving the letters, execute a Bond to the State of California, with two or more sufficient sureties, to be approved by the Probate Judge. In form, the Bond shall be joint and several, and the penalty shall not be

Former Act amended.

Executors and Administrators to give bond.

Form.

The same.

less than twice the value of the personal property belonging to the estate, which value shall be ascertained by the Probate Judge, by the examination on oath, of the party applying, and of any other persons he may think proper to examine. The Probate Judge shall require an additional Bond, whenever the sale of any real estate, belonging to an estate, is ordered by him. The Bond shall be conditioned that the executor or administrator, shall faithfully execute the duties of the trust according to law. He shall also require Bond and sufficient surety, for the annual rents, issues, and profits of all real estate in his charge, as such executor or administrator, to be approved by the Probate Judge.

APPROVED May 3, 1852.

CHAPTER XLVI.

AN ACT

Concerning the administration of Oaths.

The People of the State of California, represented in Senate and Assembly do enact as follows :

May certify without seals.

SEC. 1. That all Officers of this State, authorized by law to administer oaths or affirmations, may certify the same under their hands, without affixing to such certificate their seals of office.

To have the same effect.

SEC. 2. That all oaths or affirmations heretofore administered by any Officer of this State, and by him certified, under his hand, without his seal of office, shall be as effectual, for all purposes, as if such seal had been affixed to such certificate.

Commencement of the Act.

SEC. 3. This Act shall take effect immediately.

APPROVED May 1, 1852.

CHAPTER XLVII.

AN ACT

Concerning Jurors.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

ARTICLE I.

THE QUALIFICATIONS AND EXEMPTIONS OF JURORS.

SEC. 1. A person shall not be competent to act as juror unless Qualifications of Jurors. he be, First, a citizen of the United States ; Second, an elector of the County in which he is returned ; Third, over twenty-one and under sixty years of age ; and Fourth, in the possession of his natural faculties ; Fifth, nor shall any person be competent to act as juror who has been convicted of a felony, or misdemeanor, involving moral turpitude.

SEC. 2. A person shall be exempt from liability to act as a juror, if he be, First, a judicial officer ; Second, any other civil officer of this State or of the United States, whose duties are, at the time, inconsistent with his attendance as a juror ; Third, an attorney or counsellor ; Fourth, a minister of the gospel or a priest of any denomination ; Fifth, a teacher in a college, academy or school ; Sixth, a practicing physician ; Seventh, an officer, keeper or attendant, of an alms house, hospital, asylum, or other charitable institution, created by or under the laws of this State ; Eighth, any person engaged in the performance of duty, as officer, keeper or attendant of any County Jail, or of the State Prison ; Ninth, a captain, master or other officer, or any person employed on board of a steamer, vessel, or boat, navigating the waters of this State, and keepers of public ferries. Persons exempt from serving as Jurors.

SEC. 3. A person may be excused from acting as juror, when Persons may be excused. for any reason, his interests or those of the public, will be materially injured by his attendance, or when his own health or the death or sickness of a member of his family, requires his absence.

ARTICLE II.

MANNER OF SUMMONING, DRAWING AND FORMING GRAND JURORS.

SEC. 4. When, at any time, before the session of a court, authorized by law to enquire into public offences, by the intervention of a grand jury, it shall appear necessary to the presiding Judge, Grand Jurors.

of said court, that a grand jury should be summoned, or when a petition signed by twenty or more electors of the County, asking that a grand jury should be summoned, shall be presented to said Judge, he shall, in writing, order the Sheriff of the County in which the court is to be held, to summon such grand jury.

Mode of drawing
Grand Jurors.

SEC. 5. Upon receipt of the order, as mentioned in the last section, the County Judge, County clerk and Sheriff, shall immediately proceed to copy from the assessment roll of the County, the names of fifty persons, each name to be upon a separate piece or slip of paper; the ballots, so prepared, shall be placed in a box prepared by the County clerk for that purpose, and said County clerk shall, in the presence of the County Judge and the Sheriff, draw from the box the names of twenty-four persons to serve as grand jurors until discharged by the court. The clerk shall keep a correct list of the names, placed in the box, and the names of those so drawn, and the list shall be signed by the County Judge, the County clerk, and the Sheriff, and be filed in the clerk's office. It shall also be the duty of the Sheriff, upon receipt of the order, to post written notices of the time and place of the drawing, provided in this section, in three of the most public places in the town or city, in which the court is to be held, such notice shall be posted at least one week before such drawing.

Jurors to be
notified in writing

SEC. 6. After the drawing the clerk shall make a certified copy of the list mentioned in the last section, and deliver the same to the Sheriff. It shall be the duty of the Sheriff upon receipt of such list, to proceed to summons the persons mentioned therein, to attend the court, by giving written notice to each of them, personally, or by leaving such notice at his place of residence, with some person of suitable age and discretion.

Sheriff to make
return.

SEC. 7. The Sheriff shall also return, in the list to the court, at its opening, specifying the persons summoned, and the manner in which each was notified.

Jurors to be
fined for neglect.

SEC. 8. At the opening of the court the list shall be called over and the Court may impose a fine, not exceeding one hundred dollars, for each day a grand juror shall, without cause, neglect to attend. If, however, the notice was not personally served, the fine shall not be imposed, until, upon an order to shew cause, an opportunity has been offered to the juror to be heard.

Sheriff to sum-
mon additional
Jurors.

SEC. 9. When, of the persons summoned, not less than seventeen and not exceeding twenty-three attend, they shall constitute the grand jury. If, of the persons summoned, less than seventeen attend, they shall be placed on the grand jury, and the court shall order the Sheriff to summons from the body of the County and not from the by-standers, a sufficient number to complete the grand jury.

Challenges.

SEC. 10. If a challenge to the panel or to an individual grand juror, or if, and as often as it becomes necessary, from any other cause, the court may order the Sheriff to summons immediately, or for a day fixed, from the body of the County, but not from the by-standers, a sufficient number of persons to complete the grand jury, or to form a new grand jury as the case may be.

SEC. 11. If the Judge of the court, as provided in section four of this Act, shall not deem it necessary that a grand jury shall be summoned, or if the petition, therein mentioned, shall not be presented, and if, after the commencement of the session, of the court, it shall appear proper to said Judge, that a grand jury should be summoned, he shall cause an order to be entered upon the minutes of the court, ordering the same, and a copy of such order shall be delivered to the Sheriff.

The Judge may order a Jury after the session has commenced.

SEC. 12. It shall be the duty of the Sheriff, upon receipt of the order mentioned in section eleventh, to proceed immediately and summon twenty-four persons from the body of the County but not from the by-standers, to appear before the court at the time mentioned in said order; the summons shall be served in the same manner as provided in section sixth of this Act.

Duty of Sheriff.

SEC. 13. The grand jury, provided for in the last section, shall be subject to the provisions of sections nine and ten, of this Act. It shall be drawn and may be completed in the same manner, and the jurors who shall be absent, without cause, shall be subject to the fine, as provided in section eight, and the said jury shall be as competent, in all respects, as if summoned before the session of the court.

Competency of Jurors.

ARTICLE III.

TRIAL JURORS AND THE FORMATION OF TRIAL JURIES AND JURIES OF INQUEST.

SEC. 14. A trial jury shall be drawn for every general term of the District Court, and for every term of the Court of Sessions held for criminal business.

Trial Jurors.

SEC. 15. The trial jurors for the District Court and Court of Sessions shall be drawn and summoned in the same manner as grand jurors are required to be summoned by this Act, and the provisions of article second of this Act, as to the formation of grand juries, and the imposition of a fine upon grand jurors for non-attendance, when summoned, shall apply to the formation of trial juries in those courts, the word "trial" being substituted for "grand" in the sections of that article, and except that no trial jury shall consist of more than twelve jurors.

How summoned and drawn.

SEC. 16. When, from any cause, it shall become necessary during the term, the court may order the Sheriff to summon either immediately or for a day fixed, from the citizens of the County but not from the by-standers, a sufficient number of persons to complete the trial jury, or form a new trial jury, as the case may be. The persons thus summoned, shall be as competent trial jurors, in all respects, as if drawn and summoned before the commencement of the term.

The Court may order the summoning of a trial jury after the commencement of term.

SEC. 17. The trial juries for the Superior Court of the city of San Francisco shall be formed in the manner prescribed in the seven succeeding sections.

Trial juries for the Superior Court of San Francisco.

SEC. 18. On the first or any subsequent day of the term, and

How summoned. as often as it may be necessary, the said Superior Court shall by entry on its minutes direct and order to be issued to the Sheriff, of the County of San Francisco, to summon from the citizens of the city of San Francisco, not less than twenty-four nor more than forty-eight persons to appear forthwith, or at such time as may be named.

Sheriff to make return. SEC. 19. The clerk of said court shall issue the order, and the Sheriff shall execute and return it at the time specified, with a list of the persons summoned; if he has been unable to summons the whole number, in the time allowed, he shall return the order with the list of the names of the persons so summoned.

The Court may enlarge the time of return. SEC. 20. The court may, in its discretion, enlarge the time of the return and direct the Sheriff to summon the whole number or may proceed to empanel the jury or juries from the number summoned.

Court may compel attendance. SEC. 21. Upon return of the order or upon the expiration of the further time allowed the names of the persons summoned shall be called and the court shall proceed to empanel a jury or juries; if any person summoned fails to attend, without reasonable excuse, the court may impose a fine upon him not exceeding one hundred dollars, and may compel attendance by attachment.

Jury to be drawn by ballot. SEC. 22. The clerk shall prepare separate ballots, containing the names of those in attendance, and deposit them in a box; he shall then in open court, draw from the box twelve names and the persons so drawn shall form a trial jury. If the court so direct, he shall continue the drawing until a second jury is drawn. When two juries are drawn, the court may direct at what time they shall each attend.

Others may be summoned. SEC. 23. If there be not a sufficient number of the persons summoned to form one jury, or if required, two juries, the court may direct others to be summoned.

Discharge of Juries. SEC. 24. At the end of the first week of the term, or at any subsequent time, the court may discharge the whole jury, and if there be two juries in attendance, may discharge one or both of them; and when a jury is discharged, another may be formed in the same manner as herein prescribed.

Juries for County and Probate Courts. SEC. 25. A trial jury shall be summoned for the County Court, and for the Probate Court, whenever specially ordered by those Courts. The trial jurors shall be summoned and the trial juries formed in the same manner as trial jurors are required to be summoned, and trial juries are required to be formed by this Act, for the Superior Court of the city of San Francisco, except that the jurors for those courts shall be summoned from the citizens of the County. All the provisions of this Act as to jurors for the Superior Court, the imposition of a fine for non-attendance, the summoning of a new jury, &c., shall apply to juries summoned for the County Court, and for the Probate Court.

Recorders' Justices, and Mayors' Court. SEC. 26. A trial jury shall be summoned for a Recorder's Court, and for a Mayor's Court, from the citizens of their respective cities, and for a Justices' Court from the citizens of its city or township, whenever specially ordered by those Courts. The jurors

for a Recorder's or Mayor's Court, shall be summoned by the Marshal of the city within which the court is established, and the jurors for a Justice's Court shall be summoned by its Constable.

SEC. 27. The officer shall return to the court a list of the names of the persons summoned, with his certificate of the names of service, the list shall be called over at the time appointed for the trial. If a sufficient number of competent and indifferent jurors do not attend, or if any of them shall be excluded, exempted, or excused, from any cause, the Justice, Recorder or Mayor, as the case may be, shall direct the officer to summon others from the vicinity, but not from the by-standers, sufficient to complete the jury. The same

SEC. 28. The Justice, Mayor, or Recorder, before whose court jurors are summoned, may impose a fine not exceeding fifty dollars, for the neglect of a juror, without reasonable cause, to attend. Fines.

SEC. 29. The officer before whom a jury of inquest is summoned, may impose a fine upon a juror for non-attendance, in the same manner and subject to the same conditions as jurors may be fined for non-attendance in a Justice's Court. Jury of Inquest.

SEC. 30. The Act entitled "An Act concerning jurors," passed April twenty-eighth, one thousand eight hundred and fifty-one, and the Act entitled "An Act to exempt fire men from militia service and jury duty," passed January twenty-eight, one thousand eight hundred and fifty-one, are repealed. Former Act repealed.

SEC. 31. This Act shall take effect from and after the first day of May one thousand eight hundred and fifty-two. Commencement of this Act.

APPROVED, May 3d, 1852.

CHAPTER XLVIII.

AN ACT

To amend an Act, entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. Section one hundred and forty-two of the thirteenth division of an Act entitled 'An Act concerning Crimes and Punishments,' passed April sixteenth, one thousand eight hundred and fifty, is hereby amended so as to read as follows: "If any person or persons shall wilfully and intentionally, or negligently and carelessly set on fire, or cause or procure to be set on fire any wood, prairies, grass, or other lands or grounds in this State, every person so Former Act repealed.
Arson.

Penalties.

offending, shall, on conviction before any Court of competent jurisdiction, be fined in any sum not less than two hundred nor more than one thousand dollars, or by imprisonment in the County Jail not less than ten days nor more than six months, or by both, such fine and imprisonment in the discretion of the jury trying the case : *Provided*, that this section shall not extend to any person or persons who shall set on fire any wood, prairies, grass, or other lands adjoining their own farm, house, plantation, or inclosure, for the necessary preservation thereof from accident or injury by fire, by giving to his, her, or their neighbors reasonable notice of such intention ; which aforesaid Act, as amended, shall be in full force and effect from and after the first day of May next.

Proviso.

APPROVED, April 30, 1852.

CHAPTER XLIX.

AN ACT

For the Authentication of Statutes without the approval of the Governor.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Bills returned without the signature of the Governor.

SEC. 1. When a Bill, that has passed both Houses of the Legislature, shall be returned by the Governor without his signature, and with objections thereto, and, upon a reconsideration, shall pass both Houses by the constitutional majority, it shall be authenticated as having become a law, by a certificate endorsed thereon, or attached thereto, in the following form :

"This Bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both Houses by the constitutional majority, it has become a law, this — day of —, A. D. —," which being signed by the President of the Senate and Speaker of the Assembly, shall be deemed a sufficient authentication thereof, and the Bill shall again be presented to the Governor, to be by him deposited with the Laws in the Office of the Secretary of State.

Acts remaining ten days in his hands may become laws.

SEC. 2. Every Bill which has passed both Houses of the Legislature, and shall not be returned by the Governor within ten days, having thereby become a Law, shall be authenticated by the Governor, causing the fact to be certified thereon by the Secretary of State, in the following form :

"This Bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session,

it has become a Law, this — day of —, A. D. —,” which certificate shall be signed by the Secretary of State, and deposited with the Laws in his Office.

SEC. 3. This Act to take effect and be in force from and after its passage.

Commencement
of this Act.

APPROVED May 1, 1852.

CHAPTER L.

AN ACT

To provide for the Public Printing.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Office of State Printer is hereby abolished.

SEC. 2. The Printing of the Laws and Joint Resolutions, and of the Journals of both Houses of the Legislature, and all other Printing of the Senate and Assembly, and the several Offices and Departments of State, shall hereafter be done as follows : The Governor and Comptroller of State shall give twenty days public notice, from and after the adjournment of the Session of the Legislature, in two daily newspapers in each of the cities of San Francisco, Sacramento and Stockton, that they will, on or before a day to be mentioned in said notice, receive sealed proposals at the Seat of Government for the Printing provided to be done under this Act, to be performed as hereinafter provided. At the expiration of the time so mentioned, they will open said proposals, and enter into a contract with such persons as shall make an offer or bid to do the said work at the lowest and most advantageous terms for the State, who shall at the same time give security within three days, in a Bond to the State of California, in the sum of twenty-five thousand dollars, with one or more sufficient sureties acceptable to the Governor and Comptroller of State, which contract shall be for the term of nine months from the first day of May, one thousand eight hundred and fifty-two, and shall contain covenant that the contractor agrees to accept the prices therein provided, as a just and full compensation for the work to be done.

Advertise for
proposals.

Governor and
Comptroller to
make the contract

Sureties.

Amount.

SEC. 3. Said Proposals shall state the price of compensation, in English, per thousand ems, on all Journals, Laws, Messages, Reports, and other Documents, in book form, printed on new and neat small-pica type, the page thirty-four ems wide and fifty-seven ems long, and the same in Spanish. The price per thousand ems for rule-work and for figure-work, and for rule and figure-work in English, and the same in Spanish. The price per thousand ems

Price of compo-
sition.

Laws in Spanish.
Rule and figure
work.

Bills, &c.	for all Bills and other documents printed with open lines like bills, the page forty-five ems small-pica wide, and seventy ems long the form: No blank pages to be charged, except where necessary in making up. The price of press-work per token, of two hundred and forty impressions or less. The price per ream for Certificates, Circulars, Receipts, and other Blanks, for the several Departments of State. The price of rule-work, of figure-work, and of rule and figure-work on the same per quire. The price per page for marginal notes, which shall be printed in a type not larger than minion, and not wider than six ems: the price per page for folding, and also for folding and stitching, and for putting up the Laws and Journals in blue printed paper covering. Said Printing to be done after the pattern, as to mechanical execution, of the Statutes of one thousand eight hundred and fifty-one, now in the office of the Secretary of State. No proposal shall be regarded, unless it be accompanied by a sufficient guarantee, subscribed to by a guarantor of adequate ability, that the person making such bid or proposal, will, if the same be accepted, enter into a contract, according to the terms thereof, and file the security required by law, in such case, within the time above specified for that purpose; to which guarantee a certificate shall be annexed by the District Judge of the District, where the guarantor resides, that the guarantor is a man of property, and able to make good his guarantee: and the person or persons so proposing, shall give to the State security to double the amount of said proposals, for the completion of said work, that they will never call on the State for further remuneration, compensation, or reward. All Journals, Laws, Messages, Reports, and other documents in book form, shall be printed solid.
Blank pages.	
Press work.	
Price of blanks, &c.	
Marginal notes.	
Style of work.	
Folding and stitching.	
Style of work.	
Bids to be guaranteed.	
Certified by District Judge.	
Style of composition.	
Number of copies to be printed.	SEC. 4. There shall be printed of the Laws and Joint Resolutions of each Session of the Legislature, seven hundred copies in English, and of such Laws as may be designated for publication in Spanish, three hundred copies, which shall be delivered by the Printer under this Act to the Secretary of State, within sixty days after he shall have received the certified copies thereof, from the Secretary of State. Of the Journals of the Senate and Assembly, there shall be printed four hundred and eighty copies in one volume or two, as may be required by the size thereof: <i>Provided</i> , that all Printing ordered under this Act shall be executed within the State of California.
In Spanish.	
Time allowed to complete printing Journals.	
Number to be printed.	
Printing to be done in the State.	
Printer to furnish paper.	SEC. 5. It shall be the duty of the Printer, under this Act, to provide for the State, under the direction of the Secretary of State a sufficiency of paper of good quality for the Printing to be done, as herein provided: and his bills for the same, when allowed by the Secretary of State, shall be audited by the Comptroller of State, who shall draw his warrants on the Treasurer for the same, to be paid out of any moneys therein not otherwise appropriated.
The Secretary of State to furnish copies for publication.	SEC. 6. The Secretary of State shall deliver to the Printer, under this Act, as expeditiously as possible, the manuscript copies of the Journals of both Houses of the Legislature, and of the Laws and Joint Resolutions of each Session, with full and proper

indexes, appendixes, marginal and side notes, prepared for publication. The copies of the Journals to be furnished to the Secretary of State by the Secretary of the Senate and Clerk of the Assembly, who shall receive the same compensation for making copies as is allowed to the Secretary of State; and the Secretary of State is hereby authorized to contract for the making of such indexes, appendixes, marginal and side notes, with some competent person, at a rate not exceeding two dollars a folio of one hundred words.

Notes and indexes

SEC. 7. The Printer, under this Act, shall, in addition to the copies of all Bills, Reports, Messages, and other Documents ordered to be Printed for the Senate and Assembly, print twenty-five copies extra, which shall be bound up at the end of the Session, by the Secretary of State, uniform with the Journals: one copy shall be furnished to each of the State Officers, for his office, and to the President of the Senate and Speaker of the Assembly, the residue shall belong to the State Library.

Extra copies to Bills, &c., to be bound.

SEC. 8. The distribution of the Volumes of the Laws and of the Journals shall be made by the Secretary of State, as follows: One Copy to each Officer of State, to each Member of the Legislature, to each District Judge, to each District Attorney, to each Justice of the Supreme Court, to each County Clerk, to each County Judge, and to each Senator and Representative in Congress from this State, to the Library of Congress at Washington, and to the State Library of each State in the Union two copies; and one copy of the Laws to each Justice of the Peace in each County; and one copy of the Laws to each County Treasurer, County Surveyor, County Assessor, and Sheriff of each County that are now organized, or that may hereafter be organized, and all other Officers that may be created under the Statutes of this State, when, in the opinion of the Secretary of State, they are entitled to the same. The residue shall be placed in the State Library until otherwise disposed of by law.

Distribution of the Laws and Journals.

SEC. 9. All copies of Books furnished, under this Act, to any State, County, or Judicial Officers within this State, except members of the Legislature, shall be for the use of the office of such officer, and shall belong to said office. The distribution of the Laws in Spanish shall be made by the Secretary of State, as follows: One Copy to each Justice of the Supreme Court, to each District Judge, to each County Clerk, to each Senator and Member of Assembly in the Counties of Sonoma, Marin, Mendocino, Contra Costa, Santa Clara, Monterey, San Luis Obispo, Santa Barbara, San Diego and Los Angeles, and to each County Judge in said counties. The residue shall remain in the State Library until otherwise disposed of by law.

Distribution of Laws in Spanish.

SEC. 10. Upon the execution of any work under this Act, the Comptroller of State shall audit the bills therefor, and draw his Warrant on the Treasury for the amount, which shall be paid out of any moneys not otherwise appropriated by law. The Secretary of State and the Comptroller shall at any time reject alto-

Comptroller to issue warrants for printing.

gether, or make a deduction in the price of any work not done according to law, either as to the manner of its execution or the time of its delivery.

Contracts non-transferable.

SEC. 11. The contract made and entered into under the provisions of this Act, is hereby declared to be non-transferable.

All former laws inconsistent with the provisions of this, repealed.

SEC. 12. An Act to create the office of State Printer, and define his duties, passed January eighth, one thousand eight hundred and fifty, "An Act, defining the duties of State Printer, and fixing his compensation," passed March ninth, one thousand eight hundred and fifty; "An Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other documents," passed April twenty-second, one thousand eight hundred and fifty; "An Act to amend an Act defining the duties of State Printer, and fixing his compensation," (passed March ninth, one thousand eight hundred and fifty,) passed March twenty-fifth, one thousand eight hundred and fifty-one; "An Act to provide for the early publication of the Laws of California," passed March thirteenth, one thousand eight hundred and fifty, and all other Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

APPROVED, April 29, 1852.

CHAPTER LI.

AN ACT

To amend An Act entitled "An Act to provide for the translation of the Laws into the Spanish Language," passed March fifteenth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Former Act amended.

Duty of the Secretary of State.

SEC. 1. That section third of said Act be and is hereby amended so as to read as follows: Section third, "It shall be the duty of the Secretary of State on the first Monday of February, at the hour of three P. M., to open all the proposals filed in his office for the translation of the laws into the Spanish Language, in the presence of a Joint Committee, and he shall select from them the proposal containing the lowest bid, and shall award the translation of the laws to the person making the same, at the rate therein specified; *Provided*, that in the opinion of the Committee such bidder shall be capable of performing the same."

The same.

SEC. 2. That section fourth of said Act, be, and the same is hereby amended so as to read as follows: Section fourth, "The Secretary of State shall execute and deliver to the person to whom the translation of the Laws and Joint Resolutions herein ordered as

aforesaid, may be awarded, a certificate of his appointment, and shall keep a record thereof in his office. The Translator as aforesaid, selected and appointed, shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath for the faithful and correct translation of the Laws and Joint Resolutions as herein ordered, into the Spanish Language, and also give bond, with one or more securities, in the sum of one thousand dollars, to be approved by the Governor, Treasurer, and Secretary of State, conditioned for the entire, correct, and complete translation of the Laws and Joint Resolutions as herein ordered and required as before provided to be translated into the Spanish language, on, or before the first day of September next following.

Shall qualify and
give bond.

APPROVED, April 24, 1852.

CHAPTER LII.

AN ACT

To provide for the Payment of a Translator.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller is hereby directed to audit, and the Treasurer to pay the account of Rodriguez Palmer for the translation of the Governor's Message, the sum of ninety dollars and seventy-five cents.

Translation of
Governor's Mes-
sage.

APPROVED April 27, 1852.

CHAPTER LIII.

AN ACT

To establish a System of Common Schools.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

ARTICLE I.

OFFICERS.

SEC. 1. The Governor, the Superintendent of Public Instruction, and the Surveyor General of the State, shall constitute, and

Board of Educa-
tion.

are hereby constituted a Board of Education. The Governor shall be the President, and the Superintendent of Public Instruction shall be the Secretary of the said Board.

Commissioners.

SEC. 2. In each of the towns, cities and villages in this State, except as otherwise provided by this Act, there shall be three Commissioners of Common Schools, who shall be annually elected at the general election, and in the same manner as Justices of the Peace.

Board of Commissioners.

SEC. 3. The three Commissioners of Common Schools, mentioned in the last preceding section, alone, or any two of them, in conjunction with the County Superintendent of Common Schools, or a Justice of the Peace of the town, city or village, shall constitute a Board of Commissioners of Common Schools for such town, city or village, as the case may be.

Common School Marshal.

SEC. 4. A Constable in each town, city and village, duly elected and qualified as such, to be selected and designated by the Board of Commissioners of Common Schools for such town, city or village, shall be the Common School Marshal therein, to take the census of the children residing within his precinct.

ARTICLE II.

SCHOOL YEAR.

School Year.

SEC. 1. The Common School year shall commence on the first day of November, and end on the last day of October.

ARTICLE III.

DUTIES AND POWERS OF OFFICERS.

Duties of Marshal.

SEC. 1. The Marshals designated and selected by the Boards of Commissioners under the provisions of this Act, for the respective towns, cities and villages, shall in the month of October, annually, take a specific census of all the children within their respective precincts, between the ages of four and eighteen years, specifying the names of the children, of the parents or guardians of such children, and the town, city, village, and School District, within which they reside, and make full report thereof, in writing, under oath, to the County Superintendent of Common Schools, and deliver a true copy thereof to the Boards of Commissioners in and for their respective towns, cities or villages, by the tenth day of November next thereafter.

Census of children.

SEC. 2. The Boards of Commissioners of Common Schools of the several towns, cities and villages, shall have power, and it shall be their duty, within their respective jurisdictions ;

Board of Commissioners, their duties.

1. To select and designate, by writing, under their hands, one of the Constables within their respective jurisdictions, to be the Common School Marshal to take the census of the children.

Select Marshal.

2. To constitute and define, and from time to time to alter the boundaries of Common School Districts, and fix the location of School Houses, in accordance with the expressed wishes of a majority of the qualified electors within such boundaries ; but in case a majority of such voters shall not agree therein, then, and in that case, the said Board of Commissioners shall, in their discretion, constitute such Common School Districts, define the boundaries thereof, and fix the location of School Houses according to their own best judgment, and make definite reports thereof in writing, under their hands, to the County Superintendent, within ten days thereafter.

Location of District.

School Houses.

3. To audit and certify to the Superintendent of Common Schools, all accounts payable out of the State or County School Fund, specifying what portion of said School Fund is chargeable with the same.

Accounts.

4. To superintend the erection and repairs of all School Houses in the several Common School Districts, or appoint a Building Committee in such districts respectively, for that purpose, who shall be subject to the instruction and supervision of such Board of Commissioners of Common Schools ; to distribute the blank forms, laws and instructions received by them from the County Superintendent to the Common School Marshals and Teachers, who shall be by the provisions of this Act entitled to receive the same.

General Supervision.

5. To hold meetings so often as they shall deem necessary for the examination of persons proposing to become Common School Teachers under the provisions of this Act ; and to grant certificates of approbation and recommendation to such as they shall find, on a rigid and thorough examination and investigation, to be persons of good moral character, of sufficient learning and ability for teaching, having a special regard to their ability to impart knowledge—and to no others—and to revoke any such certificate at pleasure. All such certificates shall remain in force during one year from and after their respective dates, unless sooner revoked, and no longer ; and any certificate, otherwise granted, shall be void.

Meetings.

Certificates.

6. To employ and fix the salaries and terms of service of the Common School Teachers.

Teacher's Salaries.

7. To suspend or expel from any such Common School, with the advice of the Teacher, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein.

May expel Pupils.

8. To apportion the Common Schools among the members of the Board, in such manner that at least one of the said Commissioners shall visit and ascertain the character, progress and prospects of each School, and report the same to the full Board, once a quarter.

Board of Visitors

9 To carry out and execute their powers and duties, as conferred and imposed by this Act, in accordance with the instructions

General Instructions.

of the State Board of Education, and in manner and in form as shall be prescribed by the Superintendent of Public Instruction.

Records and Finance.

10. To make and keep a record of all their official acts and decisions, and a strict and particular account of all bills audited and certified to the County Superintendent; said record and account, together with the vouchers relating thereto, shall be subject, at all times, to the inspection and examination of the State Superintendent of Public Instructions, or the County Superintendent of Common Schools.

Expenditures and Accounts.

11. To report to the County Superintendent of Common Schools of their respective Counties, on or before the fifteenth day of November, annually, the amount of all expenditures on account of Schools in their respective precincts, during the previous School year, ending on the last day of October; and the manner in which the same shall have been expended, specifying what portion and amount thereof has been expended for the services of legally qualified Teachers; the amounts which, during that time, shall have been raised in the several Common School Districts, by subscription or otherwise, and allowed to such qualified Teachers, as salary or compensation; the names of the Teachers employed; the time of service, and the salaries paid to each; the number of pupils taught, and the average attendance and progress of the pupils in each School organized and taught under the provisions of this Act, and such other statistics as shall be required by the Superintendent of Public Instruction.

Transfer of Books &c.

12. And, at the close of their official term, to deliver over their Book of Records, and all papers, books, blanks, and documents in their hands, as such Commissioners, to their successors in office, and take their receipt for the same, which receipt shall be filed with the County Superintendent.

County Superintendents.

Duties and Powers.

SEC. 3. The County Superintendent of Common Schools in and for each County, shall have power, in accordance with the principles and provisions of this Act, and the instructions of the State Board of Education, and of the Superintendent of Public Instruction:

General Supervision.

1. To exercise a general supervision over the interests of Common Schools in his County, and to give to the Commissioners of Common Schools, the Common School Marshals, and Common School Teachers, such aid and counsel as may be important to the prosperity of the Schools.

Distribute Reports, &c.

2. To distribute promptly to the Commissioners of Common Schools, such blank Reports, Forms, Laws and instructions as shall be deposited in his office by the Superintendent of Public Instruction—for the use of the Commissioners, Teachers and Marshals, and any other officers within the several Counties entitled to the same.

To draw Warrants.

3. To draw his warrants on the County Treasurer in favor of, and deliver the same to, the person holding accounts audited and certified by the Boards of Commissioners of Common Schools, under the provisions of this Act; *Provided*, that no such warrant shall be drawn until full and correct returns shall have been made to him by said Board of Commissioners.

4. To appoint, upon the passage of this Act, three qualified electors of each town, city and village, within his County, (unless otherwise provided by law,) to be Commissioners of Common Schools therein, until the next general election, who shall exercise all the powers, and perform all the duties hereinbefore conferred and imposed upon Commissioners of Common Schools, until superseded by an election and from time to time to fill, by such appointment, any vacancy which shall occur in any Board of Commissioners of Common Schools, until a new election.

To appoint Commissioners.

Their powers and duties.

5. To keep on file in his office the Reports of the Common School Marshals and of the Commissioners of Common Schools, received by him, and to record the material parts thereof, together with all his official acts as such County Superintendent of Common Schools, in a book to be provided for that purpose, and at the close of his official term, to deliver over to his successor, such records and all documents, books and papers belonging to his department, and take his receipt for the same, which shall be filed in the office of County Treasurer.

Record of officers and documents.

6. To make full report in writing, annually, in the month of November, for the school year, ending on the last day of October next previous thereto, to the Superintendent of Public Instruction, and deliver a copy thereof to the County Treasurer of his County, in such form and manner as shall be prescribed by the said Superintendent of Public Instruction.

Annual Reports.

SEC. 4. The Common School moneys in the County Treasuries, shall be apportioned among the several towns, cities and villages, in proportion to the number of children residing therein, between the ages of five and eighteen years, as shown by the last previous reports of the Common School Marshals, and other officers charged therewith; and no School District shall be entitled to any portion of the Common School moneys, in which there shall not have been taught by a legally qualified Teacher, a Common School for three months, within the year ending on the last day of October, and one half of the compensation of said Teacher paid by the inhabitants of said District.

Apportionment of School Fund.

SEC. 5. It shall be the duty of the County Treasurer of each and every county :

Duties of County Treasurer.

1. To receive and hold, as a special deposit, all Common School Moneys, whether received by him from the State Treasury or raised by the County, for the benefit of Common Schools, and to keep a separate account thereof, and of their disbursements.

To receive School Fund.

2. On receiving any Common School Moneys for distribution, to notify the County Superintendent of Common Schools, of the amount thereof, and the shares to which the several towns, cities, villages, and school districts are entitled, under the provisions of this Act.

Notice to be given

3. To pay over, on the warrant of the County Superintendent, duly endorsed by one or more of the Commissioners aforesaid, and by the teacher or other persons to whom due, the several amounts of Common School moneys to which each district shall be lawfully entitled.

To disburse School Fund.

4. And on or before the fifteenth day of November, annually,

Annual Report of School Fund.

to make full report of the Common School moneys received into the County Treasury, within the school year ending on the last day of October next previous thereto, with a particular statement of the disbursement of the said School moneys, and of any amount of such School moneys which may remain in his hands for distribution, at the close of such School year, to the State Superintendent of Public Instruction.

School Fund.

SEC. 6. It shall be the duty of the State Treasurer to receive, and hold, as a special deposit, all Common School moneys paid into the Treasury, and to pay them over only by order of the State Board of Education upon the warrant of the Superintendent of Public Instruction, under the Common Seal of the said Board of Education, to the County Treasurers; and such warrants, duly endorsed by the County Treasurers, shall be the only valid vouchers in the hands of the State Treasurer for the disbursement of the said Common School moneys.

For what purpose to be used.

SEC. 7. The School Moneys distributed to the various Counties of this State from the State School Fund, shall not be issued for any other purpose than the payment of the salaries of qualified Teachers under this Act; and no portion of said fund shall either directly or indirectly, be paid for the erection of School Houses, the use of school rooms, furniture, or any other contingent expenses of common schools.

For Schools.

SEC. 8. Not less than fifty per cent. of the School Fund raised by County Tax and paid into the County Treasury, shall be paid for any other purpose than the payment of qualified Teachers; and the residue of the moneys distributed to the several districts.

For Library, &c.

From the County School Fund may be appropriated, for the purchase of a District School Library, to build a District School House, or such other contingent expenses of the school, as the School Commissioners of each district shall determine.

ARTICLE IV.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

His duty.

SEC. 1. It shall be the duty of the Superintendent of Public Instruction, and he is hereby empowered, by and with the advice, and subject to the supervision of the State Board of Education:

Publication and distribution of this Act.

1. To prepare and cause to be published in connection with this Act, suitable instructions and forms for the direction of the Superintendents, Commissioners, Marshals, and Teachers of Common Schools; and to cause to be deposited in the office of each County Superintendent a sufficient number of copies, (in his discretion,) of this Act, and of the said instructions and forms for the supply of the Common School Officers therein.

To promote Education, &c.

2. By lectures and by letters, publications and personal interviews with the friends of popular education in the State, to endeavor, to the extent of his ability, to disseminate intelligence among the people in relation to the methods and value of educa-

tion, and especially in relation to Common Schools, and to endeavor to secure the sympathies and co-operation of the people in all Educational measures which may be adopted by the Legislature.

3. To open a correspondence with Officers and Boards of Education in other States, and by means of the exchange of letters and reports with them, to make himself acquainted with the progress of educational movements and the details of public school systems in other States, to the end that the best possible system of education may be adopted for this State. Its Progress.

4. To exercise a general supervision over such Normal Schools, Teachers Institutes, and High Schools, as may by law be established. General Supervision.

5. Immediately after the State Treasurer shall have made his annual report, as hereinbefore required, to apportion to the several counties, towns, cities, villages and school districts, the amount of school moneys in the State Treasury to which each shall be entitled under the provisions of this Act, and thereupon to make a record thereof in the Book of Records to be kept by the State Board of Education, and furnish to each County Treasurer and to each County Superintendent an abstract of such apportionment, specifying the amounts of common school moneys to which the several towns, cities, villages and school districts are entitled; and with such apportionment, to furnish to each County Treasurer his warrant on the State Treasurer, under the Seal of the State Board of Education, for the amount of school moneys in the State Treasury to which such County shall be legally entitled, under the apportionment above specified, and take such County Treasurer's receipt for the same. Apportionment of School Fund.

6. To present to the Legislature at the commencement of the next session, and thereafter annually at the commencement of each session, a full Report of the condition of Public Instruction in the State, the number and grade of schools in each County, the number of children in each County, between the ages of five and eighteen years; the number of such attending common schools, under the instruction of teachers qualified and employed under the provisions of this Act; the amount of common school moneys apportioned to each county; the amount thereof expended in teachers' salaries; the erection and repairs of common school houses; in the purchase of common school libraries and apparatus; the amount of moneys raised and expended in and by any county, town, city, village, or school district for the support of common schools therein under the instruction of teachers holding valid certificates from the Boards of Commissioners of common schools, and duly employed and reported by such Commissioners as hereinbefore provided, together with such suggestions as he may deem it expedient to make, in relation to the construction of school houses, the improvement and better management of common schools, the qualifications of common school teachers, the character and kinds of school books most suitable for use in common schools, the ways and means for raising funds for the support of common schools Annual report to Legislature.

Its contents.

and providing suitable houses therefor, and for the promotion of the general interests of education throughout the State.

Printing, &c.

7. And to superintend the printing and distribution of his annual reports in such manner as the Legislature shall from time to time direct.

ARTICLE V.

CITIES.

Powers of Common Councils.

SEC. 1. The Common Council of each and every incorporated city in this State shall be, and hereby are authorized and empowered:

School Tax.

1. To raise annually, by tax upon the real estate and personal property within the city, as estimated by the city assessors, whatever amount of money shall be requisite, not to exceed three cents on each one hundred dollars of valuation, for the support of a competent number of free common schools therein, and providing and furnishing suitable houses therefor.

Safe keeping.

2. To provide, by ordinance, for the collection, custody and disbursement of the moneys thus raised, by city tax, for school purposes.

Financial.

3. To provide, by ordinance, for drawing from the County Treasury, on the warrant of the County Superintendent of common schools, the common school moneys to which such city shall be entitled, under the provisions of this Act, and for the custody and disbursement of such common school moneys, in accordance with the provisions of this Act.

Annual reports, &c.

4. To provide, by ordinance, for the examination of common school teachers, the regulation of common schools within the city, the census or enumeration of the children, and for making the annual and other reports to the County Superintendent of common schools.

Election of Officers.

5. To provide, by ordinance, for the election or appointment of a City Board of Education and Superintendent of Common Schools, and prescribe their powers and duties, and—

General Rules &c.

6. To ordain all such rules and regulations as they may deem expedient and necessary for the promotion of the interests, prosperity and usefulness of the common schools within the city; *Provided*, that the Common Council shall not make any ordinance or do any act which shall be in conflict with the principles or provisions of the Constitution of the State or of any act of the Legislature.

Powers of Officers.

SEC. 2. No Board of Commissioners, nor Marshals elected or appointed under the foregoing provisions of this Act, shall have any jurisdiction or control, within the chartered limits of any city which shall have provided for the support, regulation and management of common schools therein, under the provisions of this chapter.

ARTICLE VI.

SCHOOLS.

SEC. 1. No common school shall receive any benefits or immunities under the provisions of this Act, unless such school shall be instructed by a teacher or teachers duly examined, approved and employed by competent and legal authority, as hereinbefore provided, nor unless such schools shall be free from all denominational and sectarian bias, control and influence whatsoever.

General conditions.

SEC. 2. The Boards of Commissioners may cause the common schools, within their respective jurisdictions, to be divided into primary; secondary and grammar schools, having reference to the proficiency of the pupils, and to employ competent and legally qualified teachers for the instruction of the different departments, whenever they shall deem such division into departments necessary.

Commissioners.

Division of Schools.

Employment of Teachers.

SEC. 3. No school book, nor other book of a sectarian or denominational character, shall be introduced or used in any common schools instituted under the provisions of this Act.

School Books.

ARTICLE VII.

COUNTIES.

SEC. 1. Each and every County in this State is hereby empowered and authorized to raise annually, by special tax, (in the same manner that other county taxes shall be levied,) upon the real estate and personal property within the county, an amount of money not exceeding three cents on each one hundred dollars of valuation, for the support of common schools therein, and for providing suitable houses and purchasing libraries and apparatus for such common schools.

County Tax.

SEC. 2. All moneys raised by county tax as above provided, for common school purposes, shall be paid into the county Treasury as a special deposit, and shall be apportioned by the County Superintendent of common schools among the towns, cities, villages and school districts in the county, upon the basis provided by this Act for the apportionment of the State school moneys, and drawn from the county Treasury, in the same manner.

Apportionment.

ARTICLE VIII.

TEACHERS.

SEC. 1. No teacher shall be entitled to any portion of the public common school moneys hereinbefore provided for, as compensation or salary for services rendered, unless such teacher shall

Salaries of Teachers.

have been duly employed by competent authority, nor unless such teacher shall have had during the whole time of such service, such certificate of competency and approval as is provided by this Act, in full force and effect, and bearing date within one year next before the services aforesaid shall have been rendered, nor unless such teacher shall have made report in manner and form as shall be prescribed by the Superintendent of Public Instruction.

State Conventions

SEC. 2. A State Convention of common school Teachers, Commissioners of common schools, county and city Superintendents of common schools, may be holden annually at the State Capitol on the call of the Superintendent of Public Instruction, who shall preside at such convention.

General Objects.

SEC. 3. Such State Convention may discuss and recommend improvements in teaching and the management of schools, and a series of school books for use in the common schools throughout the State, and such other topics and subjects as shall be brought before the convention by the Superintendent of Public Instruction.

ARTICLE IX.

PRINTING.

Printing.

SEC. 1. Any Printing called for by this Act, shall be executed in the form and manner and at the prices prescribed by law for other State Printing, and shall be paid for in like manner out of the general fund, upon the bill for the same being certified to by the Board of Education.

ARTICLE X.

REPEAL.

Former Act repealed.

SEC. 1. The Act entitled "An Act concerning common schools and public instruction," approved May first, one thousand eight hundred and fifty-one, is hereby repealed.

APPROVED, May 8, 1852.

CHAPTER LIV.

AN ACT

To provide for a Map of the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Surveyor General is hereby required to report to the next Legislature as complete a Map of this State as can be made, from the data which may be collected in his office, and to include in said Map, all the data that can be procured from the United States Coast Surveys, United States Land Surveys, and Astronomical Observations.

The Surveyor General to report a Map of the State.

SEC. 2. Astronomical observations shall be taken to determine the points of intersection of the various County boundaries, whenever, in the opinion of the Surveyor General, the same is practicable and necessary.

Astronomical Observations, &c.

SEC. 3. County Surveyors are hereby required to connect all surveys made by them in their respective Counties, with, and to some known point, to be determined astronomically, or by connection with the United States Surveys, whenever practicable, under the direction of the Surveyor General, and report the same to the Surveyor General, in accordance with the provisions of the "Act prescribing the duties of County Surveyors," passed April ninth, one thousand eight hundred and fifty.

Duty of County Surveyors.

SEC. 4. The Surveyor General is hereby authorized to employ a competent draughtsman to project said Map.

A Draughtsman may be employed

SEC. 5. The sum of three thousand dollars is hereby appropriated for the purpose of carrying out the provisions of this Act, to be paid out of any money in the Treasury, not otherwise appropriated. All expenditures herein provided for, shall be verified by an account signed by the person employed, certified to by the Surveyor General, to be correct and necessary, and audited by the Comptroller, before the same shall be paid by the Treasurer.

Expenditures.

SEC. 6. The boundaries of all Counties, where disputes have originated relative to County boundaries, shall be determined.

County boundaries.

APPROVED, May 3, 1852.

CHAPTER LV.

AN ACT

To be entitled "An Act directing the removal of the Archives and State Officers to the city of Vallejo."

Preamble.

Recognition of
Vallejo as the per-
manent seat of
Government.

Whereas this Legislature, when assembled at Vallejo, in the month of January, of this present year, in conformity with the provisions of the Constitution and the Law of the State, did declare, by a concurrent vote of both Houses, that the city of Vallejo, situated upon the Bay of Napa, and Straits of Carquinez, was the legal and constitutional permanent seat of government of the State, and *Whereas*, to expedite the transaction of public business and to procure such accommodations as were absolutely and indispensably necessary, for a proper discharge of their Legislative duties, this Legislature did by a concurrent resolution of the two Houses, determine to continue its present session at the city of Sacramento, and *Whereas*, such removal of that body did render necessary the temporary transfer of the Archives of State, and the Officers of the different Departments, to the said city of Sacramento, which said transfer was duly ordered by a joint resolution of the two Houses, approved by the Governor, and *Whereas*, when this Legislature shall have adjourned its existing session, the necessity which demanded such temporary location of the Archives, and State Officers, will have ceased to exist. Therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

The Governor directed to remove to Vallejo.

SEC. 1. Upon the adjournment of the present session of the Legislature, and immediately thereafter, the Governor is hereby directed to cause the State Archives and the Officers of the several Departments of the Government, to be removed without unnecessary delay to the city of Vallejo.

Expenses of removal.

SEC. 2. To provide for the execution of the foregoing section, the sum of twelve hundred dollars is hereby appropriated, (out of any fund not otherwise appropriated by law,) and placed at the disposal of the Governor, and the Comptroller of the State is hereby ordered to draw his Warrant, for said sum, upon the Treasurer, in favor of the Governor and payable out of the "General Fund."

Repeal of joint resolution of 16th January, 1852.

SEC. 3. The joint resolution, passed sixteenth January, one thousand eight hundred and fifty-two, directing the removal of the several State Officers, to the city of Sacramento, shall cease

to be of any force and effect, from and after the day on which the present Legislature shall adjourn, *sine die*.

Became a law by operation of the Constitution, without the signature of the Governor.

April 30, 1852.

CHAPTER LVI.

AN ACT

To repeal "An Act authorizing the Secretary of State Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices and procure the necessary office furniture, for their respective Offices," passed February ninth, one thousand eight hundred and fifty.

The People of the State of California, represented in Senate and Assembly do enact as follows :

SEC. 1. The Act entitled "An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices, and procure the necessary furniture for their respective offices," passed February ninth, one thousand eight hundred and fifty, is hereby repealed.

APPROVED, May 1, 1852.

CHAPTER LVII.

AN ACT

To provide for the Inspection of Flour.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Governor, by and with the advice and consent of the Senate, is hereby authorized to appoint for the term of two years, a competent person as Inspector of Flour, of the State of California, to reside in the city of San Francisco.

SEC. 2. The Inspector appointed under the provisions of this Act, shall have power to appoint a suitable number of deputies.

uties, for the different ports of entry in this State, who shall possess the same powers and perform the same duties as the Inspector, within the ports for which they shall be appointed.

Duty of Inspector and Deputies.

SEC. 3. The Inspector or his deputies, appointed in accordance with the provisions of this Act, shall, when called upon, inspect any flour that may arrive at the ports of entry, in this State, and shall mark in a distinct and legible manner, each barrel or package, as follows: If of first quality, "Superfine;" if of a second quality, "Fine;" there shall also be branded on each barrel or package, the year and month of the year, said flour was inspected, together with the name of the Inspector or deputy, each Inspector shall correct any brand or mark which would give a false weight to any barrel or package of flour.

Brand.

False Brand.

Flour not inspected.

SEC. 4. Every barrel or package containing flour not marked by the Inspector, as provided in this Act, shall have marked thereon, in a fair and legible manner, the name of the vendor of the same, and they shall also be marked "Fine" or "Superfine," according to their contents, and the number of pounds contained therein, which shall be deemed a "Warranty" by such vendor, that the barrel or package so marked, is of the quality and contains the quantity so represented, and any person or firm who shall sell, or offer for sale any flour not marked as aforesaid, shall be liable to a penalty of twenty cents for every barrel or package so sold or offered for sale, to be recovered with costs before any court of competent jurisdiction, by said Inspector or his deputies, for his use. The Inspector or deputies appointed under the provisions of this Act, shall, at the request of any purchaser of any barrel or package of flour, marked with a private mark, as provided in this section, inspect the same, and if found to be deficient in weight, or to contain flour of a bad quality, or such as has been pulverized, re-ground, or mixed, the person who sold the same, shall be deemed guilty of fraud, and shall be punished for each offence by fine not to exceed fifty dollars.

Vendor to brand.

Penalty.

Re-branding.

Fraud.

Fees of Inspectors.

SEC. 5. Said Inspector, or deputy Inspectors shall be entitled to receive at the rate of five cents, for each one hundred pounds by him inspected and marked.

Inspector shall give bonds.

SEC. 6. The Inspector shall give to the State of California, a bond in the sum of ten thousand dollars, conditioned for the faithful performance of his duties to be approved by the Governor, and any Inspector who shall falsely mark any flour, shall be liable to any person injured thereby, in double the amount of the damage incurred.

Penalties for violation of the provisions of this Act.

SEC. 7. Any person or persons who shall alter or counterfeit any mark used in conformity with the provisions of this Act, or who shall sell or offer for sale, flour put up in any barrel or package, previously used, and marked as provided in this Act, without erasing or destroying said mark, shall forfeit the sum of five hundred dollars for each and every offence, to be sued for, before any court of competent jurisdiction in this State, one-half of which shall go to the informer and the residue to the State Hospital Fund.

SEC. 8. The Inspector herein before provided for shall be responsible for his acts, and if he or any of his deputies, shall mark any flour, either in barrels or packages, erroneously, knowing the same to be erroneous, shall, on conviction thereof, be fined for each offence in a sum not to exceed five hundred dollars. *False branding.*
Penalty: *Provided,* always, that no vendor of flour shall be required to have any flour inspected under this Act, unless at his own written request.

APPROVED, May 3d, 1852.

CHAPTER LVIII.

AN ACT

To provide for the appointment of a Guager for the Port of San Francisco.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Governor is hereby authorized and directed to appoint by, and with the advice of the Senate, a Guager of Wines and Liquors, to reside in the City of San Francisco, and to continue in office for two years. *Governor to appoint.*

SEC. 2. Said Guager before entering upon his office, shall take and subscribe the oath of office and give bonds in the sum of twenty-five thousand dollars for the faithful discharge of his duties. *Oath and bonds.*

SEC. 3. It shall be the duty of said officer to gauge and inspect all wines and liquors which may be, or arrive, in said city, and to mark upon the cask or case, the quantity and quality of the same, for which services he may charge and receive one half of one cent per gallon of the wines and liquors so inspected. *Duty.*

SEC. 4. Any person in the city of San Francisco, selling or offering for sale any wines or liquors in casks or cases, without the Inspector's mark thereon, shall be liable for each offence to a fine not less than one hundred dollars, nor more than five hundred dollars. *Penalties for selling without Gauger's mark.*

APPROVED May 3, 1852.

CHAPTER LIX.

AN ACT

Providing for the erection of a State Prison.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Board of Commissioners.

SEC. 1. The State Prison Inspectors and the Superintendent of Public Buildings, are hereby constituted a Board of Commissioners, whose duty it shall be at an early day to examine the several points and localities for the purpose of selecting a suitable place for the erection of a State Prison; *Provided*, that said Commissioners shall hold their office for twelve months only, for which service they shall receive a sum not exceeding five hundred dollars per annum; *Provided*, also, that the Superintendent of Public Buildings shall receive no additional compensation for the service he may render as one of said Commissioners.

Term of office and salary.

Title of location to be examined.

SEC. 2. As soon as the location as provided for in the preceding section is agreed upon, the title of the property selected shall be referred to the Attorney General of the State, who, should it be valid and good, shall certify the fact to the Governor, otherwise, or should the title be defective, he shall so notify the said Board of Commissioners.

Its purchase.

SEC. 3. As soon as the Governor shall receive the certified opinion of the Attorney General, as herein provided for, he shall direct said Board of Commissioners to enter into a contract for the purchase of said lands upon the best terms possible; *Provided*, that the quantity of land shall not exceed twenty acres, unless the owners or proprietors of the same shall donate the requisite amount of land to the State, said Commissioners may purchase the same at a cost not exceeding ten thousand dollars.

Plan.

SEC. 4. Said Board of Commissioners shall determine upon and prepare a suitable plan for a State Prison, having regard to the health as well as the safety of the convicts.

To advertise for proposals.

SEC. 5. After the adoption of the plan aforesaid for the Prison Buildings, the Board of Commissioners shall advertise for forty days in three of the public newspapers of this State, for proposals for erecting the Prison Buildings aforesaid, according to the plan and stipulations advertised.

Proposals.

SEC. 6. At the expiration of the time specified in section five, the Board of Commissioners shall open and examine all the proposals that may have been received by them or either of them, and shall award the contract to the lowest responsible bidder; *Provided*, that the proposals, together with the award

Examination of, and award.

of the Commissioners, shall be first considered and approved by the Governor of the State.

SEC. 7. The Board of Commissioners shall, on the part of the State, enter into a contract with the person or persons to whom the contract is awarded for the building of the Prison aforesaid, taking good and sufficient security for the faithful performance of the contract, and its completion within the period to be determined upon by said Board.

SEC. 8. For the purpose of paying the contractor of the Buildings aforesaid, it is hereby made the duty of the Treasurer of State to cause to be issued Bonds of the State, of the denomination of five hundred dollars, payable ten years after date, and bearing an annual interest of seven per cent., payable semi-annually at the Office of the Treasurer of State, or San Francisco, which Bonds shall be signed by the Governor, and countersigned by the Comptroller, and endorsed by the Treasurer of State, and shall have the same forms, guarantees and validity as the Bonds issued under "An Act to Fund the Indebtedness of the State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and upon approval of the completion of said contract by the Governor, in accordance with the conditions of the contract made by the Commissioners.

SEC. 9. The payments to the contractor shall be made quarterly, and for the purpose of ascertaining the amount due at the end of each quarter, it is herein made the duty of said Board of Commissioners to ascertain and certify the same to the Comptroller of State, who shall thereupon issue his warrant on the Treasurer of State in the sum thus certified, payable out of the Bonds herein provided for; *Provided*, that the sums so paid shall not exceed eighty-five per cent. on the amount actually expended, as certified by the Board of Commissioners, until the completion of the Prison provided to be erected by this Act, unless otherwise ordered by Legislative enactment.

SEC. 10. The Commissioners, acting by virtue of this Act, shall not, either directly or indirectly, be in any manner interested in any contract or undertaking either for supplies, materials, or otherwise, in the erection of the buildings, or the purchase of the lands herein contemplated, and any violation of this section shall be held as a misdemeanor, and upon conviction before any competent tribunal, said Commissioners shall be fined in a sum not less than five thousand dollars, nor more than fifteen thousand dollars.

SEC. 11. All the proceeds from the sale of the Swamp and Overflowed Lands, ceded to this State by Act of Congress, approved September twenty-eight, one thousand eight hundred and fifty, after draining and leveeing the same, as provided in said Act, or so much thereof as may be requisite, is hereby pledged, and shall be held inviolate for the payment and redemption of said Bonds at maturity, or at an earlier day, should any surplus moneys from the sources aforesaid remain in the Treasury.

SEC. 12. The payment for the land herein directed to be

Contract and bond

Payment of contractors.

Bonds.

Form and amount

Payments to be made quarterly.

Commissioners to certify accounts.

Commissioners not to be interested in the contracts

Penalty.

Proceeds of swamp lands appropriated.

General expen-
ditures,

purchased, as well as all other expenses incurred under this Act, except to the Contractor of the Buildings, shall be paid out of the General Fund.

APPROVED, May 1, 1852.

CHAPTER LX.

AN ACT

In relation to State Prison Convicts.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Bond of
J. M. Estell

SEC. 1. That the Governor is authorized to take from James M. Estell a bond, in the same penalty, with the same sureties, and the same conditions as required for the bond directed to be taken by the *second section* of the "Act providing for securing the State Prison Convicts," approved April twenty-fifth, one thousand eight hundred and fifty-one.

Former bond
released.

SEC. 2. That so soon as such bond, approved by the Governor, is filed in the Office of the Secretary of State, and also the release of M. G. Vallejo of all claim against the State, founded upon said Act, and of all the rights conferred upon him thereby, the said James M. Estell, shall be the sole Lessee of the prison, prison grounds of the State, and prisoners, according to the terms and conditions of said Act, and the said Vallejo, and the sureties upon the bond, heretofore filed by the said Vallejo and Estell, shall be released from all future liability.

APPROVED, April 10, 1852.

CHAPTER LXI.

AN ACT

For the protection of Game.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

The killing of
certain game
prohibited.

SEC. 1. It shall not be lawful for any person or persons, hereafter to kill or destroy any of the following game, within the times hereinafter specified, viz : Quail or Partridges, Mallard Duck, and the Wood or Summer Duck, shall not be killed between

the first day of March and the twentieth day of September, of each year. Elk, Deer and Antelope, shall not be killed at any time between the first day of January and the first day of June, of each year. Time of year.

SEC. 2. Any person who shall be convicted of an offence against the provisions of the foregoing section, or who shall buy or sell, or expose to be bought or sold, any such game, above enumerated, within the time therein specified, shall be fined for any and each offence in the sum of fifty dollars, one-half of which fine, shall in each case be paid to the informer. Penalties.

SEC. 3. It shall be the duty of the Justices of the Peace, to take cognizance of all offences under this law. Duty of Justices of the Peace.

SEC. 4. This law shall be operative in the Counties of Monterey, Santa Cruz, Santa Clara, San Francisco, Contra Costa, San Joaquin, Sacramento, Yolo, Solano, Napa, Sonoma and Marin. Operation in certain counties.

APPROVED, May 1st, 1852.

CHAPTER LXII.

AN ACT

To prohibit the erection of Weirs, or other obstructions, to the run of Salmon.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. Any weir, dam, fence, set or stop net, or other obstruction to the run of Salmon, in, any river or stream of this State, is hereby declared to be a public nuisance ; all Officers of Justice, and all good citizens, are hereby enjoined to remove, break down, and destroy the same. Obstructions to run of salmon.

SEC. 2. Any person who may erect or in any manner directly or indirectly, aid in the erection of any weir or other obstruction aforesaid, to the passage of Salmon, in any river of this State, shall be deemed guilty of a misdemeanor, and be fined by any court of competent jurisdiction, in any sum not less than one hundred dollars, nor exceeding one thousand dollars, and shall immediately destroy the impediment to the running of Salmon aforesaid ; in default of which the fine imposed by this Act shall be doubled. Fines for the erection of weirs, &c.

SEC. 3. Any Justice of the Peace or Judge of the Court of Sessions, upon complaint being made under oath, to the existence of any such obstructions, shall immediately issue an order to any Constable to inquire into and report upon the facts. Duty of judicial officers.

SEC. 4. Any Officer found guilty of making a false return in relation to the facts upon which he is directed to report, shall False returns.

be considered a party to the misdemeanor and be liable to payment of the fines herein imposed and be declared incompetent to fulfil the duties of his office, and his office shall be deemed vacant.

Disposition of Fines. SEC. 5. The fines imposed by the provisions of this Act, shall be paid into the County Treasury of the County, where process is issued, to the use of the County.

Exceptions. SEC. 6. The provisions of this Act shall not apply to any dam erected for mining, mill, or agricultural purposes.

Fishing with seines or nets. SEC. 7. It shall not be lawful for any person or persons, to cast, draw, or make use of any seine or net, for the purpose of catching salmon, in any of the rivers of this State, in the months of January, October, and August, of any year, nor in the months of November and December of any year. Every person or persons so offending and being thereof legally convicted, shall be subject to the same fines and penalties, as are imposed by section two of this Act. This Act shall not apply to any of the Indian tribes, so as in any manner to preclude them from fishing in accordance with the custom heretofore practiced by them.

Not to apply to Indian tribes.

APPROVED, April 12, 1852.

CHAPTER LXIII.

AN ACT

To amend An Act entitled "An Act to authorize the Governor of this State to remove and appoint Port Wardens," approved March seventh, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Governor to dismiss and appoint.

SEC. 1. Section first of the above entitled Act, which reads as follows: "The Governor of this State shall be and he is hereby authorized to dismiss from office, any Port Wardens, appointed by him, at any time when sufficient cause shall be presented to justify the same, and to appoint another in his place, by and with the advice and consent of the Senate," be and the same is hereby amended to read as follows: "The Governor of this State shall have power to dismiss from office any Port Warden, at any time, when, in his opinion sufficient cause exists therefor, and by and with the advice and consent of the Senate, to appoint another in his place, and to fill any vacancy that may occur by death, resignation, or otherwise.

Commencement of this Act.

SEC. 2. This Act shall take effect from and after its passage.
APPROVED, February 28, 1852.

CHAPTER LXIV.

AN ACT

To authorize the Governor of the State of California, to procure a block of California Marble, to be forwarded to the Washington Monument Society.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Governor of this State is hereby authorized and empowered to procure a suitable block of California Marble, in conformity with the directions of the Washington National Monument Society, with such inscriptions upon the same, as he may deem most appropriate and expressive, and transmit the same to the said society, as soon as practicable.

Governor authorized to procure and forward block of marble.

SEC. 2. The Comptroller of State is hereby directed to audit the accounts for the expenses attending the carrying out of the provisions of the first section of this Act, which may be approved by the Governor, and the Treasurer of State is directed to pay the same upon the Warrants of the Comptroller.

Expense to be settled by Treasurer.

APPROVED, May 3, 1852.

CHAPTER LXV.

AN ACT

For relief of the Indigent Sick.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Trustees of the town of San Diego, elected or hereafter to be elected by virtue of An Act entitled "An Act to repeal the charter of the city of San Diego, and to create a Board of Trustees," approved thirtieth January, one thousand eight hundred and fifty-two, or any two of them are hereby authorized to draw upon the State Treasurer, for any sum not exceeding two thousand dollars during each year to be applied towards the maintenance and relief of such indigent sick persons as may arrive at the Port of San Diego, in such manner as said Trustees may deem most beneficial to such persons.

Annual appropriation.

For relief of Indigent Sick.

SEC. 2. The Trustees as aforesaid shall receive no compen-

Duty of Trustees. sation for the duties imposed upon them by this Act, but it shall be their duty to keep a true and accurate account of all their expenses incurred, and disbursements made in furnishing relief to such sick persons as aforesaid; a statement of which account shall be drawn off annually and be sworn to by said Trustees, or a majority of them, before any officer authorized by law to administer oaths, and by them forwarded to the Speaker of the House of Assembly, at least thirty days before the regular meeting of the Legislature, in each year.

Commencement of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

APPROVED, April 16, 1852.

CHAPTER LXVI.

AN ACT

To provide for the obtainment, preservation, and distribution of Vaccine matter.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Vaccine Agent.

SEC. 1. The Governor of this State is hereby authorized and required to appoint an Agent, who shall be a graduate in Medicine, whose duty it shall be to apply to and obtain from, the Vaccine Agent of the United States, created under An Act of Congress, passed February, one thousand eight hundred and thirteen, or if no such Agent is now acting, to obtain from any other source practicable, a supply of the genuine Vaccine matter, and preserve the same for the use and benefit of the citizens of this State.

Qualification and duties.

Oath and form.

SEC. 2. Before entering upon the duties of his office, the said Agent shall take and subscribe the following oath, or affirmation, and file the same in the Office of Secretary of State: "I, A. B. do swear (or affirm as the case may be,) that I will faithfully use my best exertions to obtain and preserve the genuine Vaccine matter, and furnish the same to the citizens of this State, according to the provisions of this Act."

Duty and compensation.

SEC. 3. It shall be the duty of said Agent, to furnish the genuine Vaccine matter to any regular practicing physician, in good standing, in his profession, in this State, and give a certificate, setting forth the quality of the matter, and his authority under this Act; which certificate shall be sufficient evidence for its use in any part of this State; and said Agent shall be

entitled to charge and receive for every parcel of Vaccine matter so furnished, the sum of five dollars, and one dollar for the certificate; which shall be in full compensation for the services and expenses of said Agent.

SEC. 4. This Act shall take effect from and after its passage. Commencement of this Act.
 APPROVED, March 27, 1852.

CHAPTER LXVII.

AN ACT

To authorize the Trustees of the Stockton State Hospital to erect a Building for the Insane of the State, and to provide for their support.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The Trustees of the Stockton State Hospital are authorized and empowered to erect a Building for the accommodation of the Insane of the State. Said Building to be built on a lot convenient to the Stockton State Hospital. To build an Insane Hospital.

SEC. 2. It shall be the duty of the Resident and Visiting Physicians of the Stockton State Hospital, to have immediate care and control of the Insane. No extra compensation shall be allowed to said Physicians. Duty of Physicians.

SEC. 3. It shall be the duty of the Trustees of the Stockton State Hospital to advertise, for two weeks, in some newspaper in the city of Stockton, for sealed proposals to erect such Building, for the purpose of an Insane Asylum, as they may think proper and necessary; the dimensions of which shall be particularly specified in the advertisement for contract; *Provided*, that the expense of erecting the same does not exceed the sum of ten thousand dollars. Trustees to advertise. Expenses.

SEC. 4. The Comptroller of State is hereby required to audit and issue his Warrants upon the Treasurer of State, in favor of the President of the Board of Trustees of the Stockton State Hospital, countersigned by the Treasurer thereof, payable out of any moneys, not otherwise appropriated out of the General Fund, the sum of ten thousand dollars, for the purpose of erecting said Building; also, the sum of seven thousand five hundred dollars for the support of the Insane, and one thousand dollars for the transportation of the Insane from Sacramento to Stockton. Comptroller authorized to audit and issue warrants. Building. General expenses.

SEC. 5. It shall be the duty of the President of the Board of Trustees of the Stockton State Hospital to keep a true account of all expenses incurred in the erection of said Building, and file the same in the Office of the Comptroller of State. Duty of President of Board of Trustees.

APPROVED May 8, 1852.

CHAPTER LXVIII.

AN ACT

To amend the twenty-second section of "An Act to create a State Hospital in the City of Stockton," passed April thirtieth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Former Act amended.

SEC. 1. The twenty-second section of "An Act to create a State Hospital in the City of Stockton," passed April thirtieth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows: "Section twenty-two. The Comptroller of State is hereby required to audit and issue his Warrants upon the Treasurer of State in favor of the President of the Board of Trustees of the Stockton State Hospital, countersigned by the Treasurer thereof, payable out of any money not otherwise appropriated out of the "General Fund," for the sum of fifteen thousand dollars, payable quarterly, during the first year, and for the same sum annually thereafter.

Annual appropriation.

APPROVED, May 1, 1852.

CHAPTER LXIX.

AN ACT

To amend An Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April thirtieth, one thousand eight hundred and fifty-one.

The People of the State of California represented in Senate and Assembly, do enact as follows:

Section 4 of former Act amended.

SEC. 1. The fourth section of the Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April thirtieth, one thousand eight hundred and fifty-one, is amended so as to read as follows: Section 4. The Board of Trustees shall have full power and authority to control and administer the affairs of the said State Marine Hospital at San Francisco; to rent buildings necessary for its purposes; to purchase land in the city of San Francisco, and to erect thereon suitable buildings: but all such buildings shall be substantially

Powers and duties of Board of Trustees.

built of brick or stone, and so constructed as to be proof against fire; to improve its property, of whatsoever kind or nature it may be, and to accept of any donation or legacy in the name and for the benefit of the State Marine Hospital at San Francisco; to sue and defend on behalf of said Hospital; to adjust, compromise and settle any claims it may have; to appoint persons suitable and necessary to be employed in the Hospital, and to fix their compensation; but the Board of Trustees shall have no power to alienate, sell, mortgage, or dispose of in any way any real estate belonging to or claimed by the State Marine Hospital at San Francisco, without the consent of the Legislature. Nor shall any of the property of the Hospital be made liable in any manner for any debt which may be contracted by the Board of Trustees.

Trustees to have no control of the real estate without consent of Legislature.

Property of Hospital not liable for acts of Trustees.

SEC. 2. The ninth section of said Act is amended so as to read as follows: Section 9. There shall be elected by the next Legislature, and by the Legislature every two years thereafter, a Visiting Physician and a Resident Physician, who shall be regular graduates in medicine, and who shall have practised their profession at least five years from the date of their diplomas. They shall each receive a salary of five thousand dollars a year, to be paid quarterly by the Treasurer of the said Marine Hospital at San Francisco. It shall be the duty of the Visiting Physician to visit the Hospital twice every day, unless prevented by sickness; to take charge of the Medical and Surgical Wards, and to prescribe for the sick therein, keeping records of all prescriptions. The Resident Physician shall have a general supervision of said Hospital; it shall be his duty to see that the patients are properly cared for, and that the prescriptions and orders of the Visiting Physician are duly and properly executed; to prescribe for patients in cases of emergency, and for those entering during the absence of the Visiting Physician, and to discharge such other duties appertaining to his office as may be required of him by the Board of Trustees; he shall not engage in any private practice, but shall reside in and at all times be in attendance at the Hospital. The offices of Visiting and Resident Physicians shall be filled by the present incumbents, until the time for which they were elected shall expire.

Section 9 of former Act amended.

Visiting and resident physicians to be elected by the Legislature.

Their salary.

Duties of the visiting physician.

Duties of the resident physician.

Resident physician shall not engage in private practice.

Term of office of visiting and resident physicians.

SEC. 3. The tenth section of said Act is amended so as to read as follows: Section 10. If either the Resident or Visiting Physicians shall absent themselves without the consent of the Board of Trustees, or neglect to discharge their duties as hereinbefore mentioned, he or they shall be suspended from office by the Board of Trustees, with the assent and approbation of the Governor, until the meeting of the next Legislature, which, after hearing the representations of the Board of Trustees and Physician so suspended, shall either dismiss or reinstate him. Any vacancy which shall be made by a suspension, death, or resignation of the Visiting Physician or the Resident Physician, shall be filled by the Board of Trustees by appointment of a person having the prescribed qualification, who shall hold his office until the next session of the Legislature.

Section 10 of former Act amended

Penalties for non-performance of duty.

To be referred to the next Legislature.

Board of Trustees to fill vacancy until the meeting of next Legislature.

Section 15 of former Act amended

Trustees not to involve the Hospital in debt.

SEC. 4. Fifteenth section of said Act is amended so as to read as follows: Section 15. The Trustees shall have no power to borrow money or contract any debt which cannot be paid out of the revenue provided for the support of the Hospital.

APPROVED May 3, 1852.

CHAPTER LXX.

AN ACT

Amendatory of An Act entitled "An Act to create a State Hospital in the city of Sacramento," passed April fifteenth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 23 of former Act repealed.

Comptroller to issue warrants.

SEC. 1. The twenty-third section of An Act to create a State Hospital in the city of Sacramento, approved April fifteenth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows: Section twenty-three. From and after the passage of this Act, the Comptroller of State is hereby authorized and required to audit and issue his Warrants in favor of the Trustees of the State Hospital, to be paid over in the manner as provided in this section, one-half of the total amount of taxes which may accrue nett to the State Treasury from licenses for Gambling and sales at Public Auction; *Provided* said one-half shall not exceed the sum of thirty thousand dollars, and *Provided* further, that if any portion of said taxes on Gambling and Auction Sales, which are hereby appropriated for the use of the State Hospital, shall be paid into the State Treasury in "Three per cent Bonds" the Treasurer of State is hereby authorized and required to pay an equal amount to the credit of the Sacramento State Hospital, out of any moneys in the General Fund not otherwise appropriated.

Section 24th, of former Act repealed.

Comptroller to issue Warrants to purchase building

Not to exceed \$25,000

Addition to former Act.

SEC. 2. The twenty-fourth section of the Act entitled "An Act to create a State Hospital in the city of Sacramento," is hereby amended so as to read as follows: Section twenty-four. The Comptroller of State is hereby required to audit and issue his Warrants upon the Treasurer of State, in favor of the President of the Board of Trustees of the State Hospital, countersigned by the Treasurer thereof, payable out of any moneys, not otherwise appropriated, out of the General Fund, a sufficient sum for the purchase of the building now occupied as said Hospital; *Provided* the cost of said building shall not exceed the sum of twenty-five thousand dollars.

SEC. 3. The Act entitled An Act to create a State Hospital in the city of Sacramento, is hereby amended further by the

addition of the following section : Section twenty seven. The Treasurer of Sacramento County is hereby authorized from and after the passage of this Act, to pay monthly to the Treasurer of the Sacramento State Hospital, the nett proceeds of all revenues derived from licenses of Billiard Tables, Bowling Alleys, Hawkers and Peddlers, and all moneys arising from the recovery of forfeited Bonds and Recognizances which may be assessed in criminal cases and for contempt of court, within the County of Sacramento, and shall file in the Comptroller's Office, the receipts of the Treasurer, of said Hospital, for all moneys paid to him under the provisions of this section ; *Provided* that no more than thirty thousand dollars shall be paid in one year.

Treasurer of Sacramento County to pay certain moneys to Treasurer of Hospital.

Treasurer of Sacramento County to file receipts with Comptroller.

SEC. 4. The second section of the Act entitled An Act to create a State Hospital in the city of Sacramento, is hereby amended so as to read as follows : Section two. The administration of said Hospital shall be confined to a Board of Trustees to be composed of four members, one, at least, of whom, shall be a regular graduate of medicine and practicing physician, in said city, to be chosen by the Legislature : Said Trustees shall be divided by the Legislature, equally, by lot, into two classes. The Trustees of the first class shall go out of office at the expiration of one year, so that one-half shall be chosen annually. They shall be permanent citizens of the city of Sacramento, and shall elect by ballot from their number, a President to preside over their deliberations and a Vice President to act as President in his absence. They shall be known by the name and style of "the Trustees of the State Hospital," and by that name they and their successors shall be known in law ; have perpetual succession ; may sue and be sued, in all courts of the State, and may receive and hold property, real and personal, for the use and benefit of said Hospital.

Second section of former Act amended.

Board of Trustees to consist of four members.

Powers and duties of Trustees.

SEC. 5. The seventh section of the Act entitled "An Act to create a State Hospital in the city of Sacramento," is hereby amended so as to read as follows : Section seven. It shall be the duty of the Treasurer to collect all moneys due to the Hospital, to keep a correct account of its property, assets and revenue ; receive and safely keep all moneys and pay the same out as herein provided, which shall be called the "Hospital Fund," he shall also act as Secretary to the Board of Trustees ; he shall make a monthly report to said Trustees, of his official transactions ; keep the books, and have charge of all Hospital accounts and perform such duties, connected with his office, as the Trustees may direct. His compensation shall not exceed the sum of three thousand dollars, to be paid quarterly out of the Fund of the Sacramento State Hospital.

Section 7 of former Act amended.

Powers and duties of the Treasurer of Hospitals.

Compensation of Treasurer.

SEC. 6. This Act to be in force from and after its passage.

APPROVED, May 4, 1852.

CHAPTER LXXI.

AN ACT

To alter the times of holding the General Election.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Time of holding
election.

SEC. 1. There shall be held throughout the State, on the first Wednesday in September of each year, an Election for Members of Assembly, and such other Officers as may be required by law to be chosen at such Election, to be called the General Election, except that in each Bissextile or Leap Year, such General Election shall be held on the day on which by law the Election is required to be held for Election of President and Vice President of the United States.

Repeal of former
Act.

SEC. 2. The first section of the Act, approved April twenty-sixth, eighteen hundred and fifty-one, which is entitled "An Act to amend an Act entitled an Act to regulate Elections," approved March twenty-third, eighteen hundred and fifty, is repealed.

APPROVED April 24, 1852.

CHAPTER LXXII.

AN ACT

To provide for choosing Electors of President and Vice President of the United States.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Electors of Presi-
dent and Vice
President.

SEC. 1. In each year when the Election of President and Vice President of the United States is to take place, there shall be chosen as many Electors of President and Vice President as this State may be entitled to at the time of such election.

Time of election.

SEC. 2. The qualified voters of the State shall meet at the place designated for holding the General Election in the different Counties of the State on the *Tuesday next after the first Monday of November* in each year when the Election of President and Vice President is to take place, unless the Congress of the United States shall appoint a different day, and in that case,

on such day as the said Congress shall appoint, and shall proceed to elect as many persons as the State shall then be entitled to elect as Electors of President and Vice President.

SEC. 3. Any qualified voter of this State may vote for Electors at any precinct in the State. Qualified voters.

SEC. 4. Notice of the Election of Electors shall be given by proclamation in the same manner as notice is required to be given of other Elections, and the Election shall be conducted and the returns thereof made in the same manner as is prescribed by law in regard to the Election of Representatives in Congress, with the exceptions specified in this Act. Notice to be given.

SEC. 5. The returns of the Election in each County shall be transmitted by the County Clerk thereof to the Secretary of State, on the tenth day after the day of Election, or as soon as he has received the returns from each precinct of his County, if received within ten days. The County Clerk of each County, whenever in his opinion it may be necessary, shall employ some person to convey the returns to the seat of Government and deliver them to the Secretary of State; the person performing such service shall be entitled to receive, as compensation, mileage at the rate of thirty cents a mile, computing the distance from the County seat to the seat of Government, by the usually travelled route; his account therefor certified by the Secretary of State, shall be audited by the Comptroller, and paid out of the General Fund in the State Treasury; on the Monday before the first Wednesday of December, or so soon as the returns have been received from all the Counties of the State; if received before that day, the Secretary of State shall compare and estimate the votes given for Electors, and certify to the Governor the names of the proper number of persons having the highest number of votes, and thereupon the Governor shall immediately transmit to each of such persons a certificate of election, and on or before the day of their meeting, deliver to the Electors lists of names of the Electors, and do all other things required of him in the premises by any Act of Congress in force at the time. Returns of election.

SEC. 6. The Electors so chosen shall convene at the seat of Government on the first Wednesday in December next, after their election, at two o'clock in the afternoon, and in case of the death or absence of any Elector so chosen, or in case the number of Electors shall, from any cause, be deficient, the Electors then present shall forthwith elect, from the citizens of the State, so many persons as shall supply the deficiency. Electors shall meet at the seat of government.

SEC. 7. The Electors, when convened, shall, on said first Wednesday in December, vote by ballot for one person for President and one person for Vice President of the United States, one of whom at least shall not be an inhabitant of this State; they shall name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes given for each, which lists they shall The Electors to vote for President and Vice President.

sign and certify, and transmit, sealed up, to the seat of Government of the United States, directed to the President of the Senate, and they shall, in all respects, proceed conformably to the Constitution of the United States and the laws of the United States in this behalf provided.

Pay of electors.

SEC. 8. Electors shall receive the same pay and mileage allowed to members of the Assembly, their accounts therefore, certified by the Secretary of State, shall be audited by the Comptroller, who shall give his Warrants for the same on the Treasurer, payable out of the General Fund.

APPROVED, April 28, 1852.

CHAPTER LXXIII.

AN ACT

Fixing the times at which Representatives in Congress shall be elected.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Time of election.

SEC. 1. At the general election in the year eighteen hundred and fifty-two, and at the general election in each second year thereafter, there shall be elected such number of Representatives to the Congress of the United States, as the State of California may be entitled to.

APPROVED, April 24, 1852.

CHAPTER LXXIV.

AN ACT

Prescribing the manner of electing United States Senators.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Joint vote.

SEC. 1. Whenever any election is to be held for a Senator for this State, in pursuance of the Constitution of the United States, the Senate and Assembly shall meet together at such time as may be agreed to by both Houses, and by joint vote proceed to the election.

A majority shall elect.

SEC. 2. A majority of all the votes given shall be necessary to elect a Senator.

SEC. 3. When the election is made, the President of the Senate and the Speaker of the Assembly, shall certify the same to the Governor. Speakers to certify.

SEC. 4. The Governor shall cause a credential to be made out, with the Great Seal of the State affixed thereto, certifying the said election, and shall deliver it to such Senator. Credentials.

SEC. 5. Whenever the Executive of this State, shall, by virtue of the Constitution of the United States, make a temporary appointment, of a Senator, he shall deliver to such Senator a credential under the Great Seal of the State, certifying said appointment. Governor may fill vacancy.

SEC. 6. This Act shall take effect from and after the date of its passage. Commencement of this Act.

APPROVED, January 30, 1852.

CHAPTER LXXV.

AN ACT

To authorize persons engaged in the United States Coast Survey, upon the Coast of California, to enter on lands within this State, for the purposes of said survey; to protect the operations of the same from injury and molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against the provisions of this Act, and for other purposes."

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. That from and after the passing of this Act, any and every person employed under and by virtue of an Act of Congress of the United States, passed the tenth day of February, one thousand eight hundred and seven, and the supplements thereto concerning the United States Coast Survey, may enter upon Lands and clear and cut the timber, within this State, upon the same, and may erect any works, buildings, or appendages requisite for the purpose of exploring, surveying, triangulation, leveling, or doing any other act requisite to effect the object of said Act of Congress, without being considered as a trespasser; *Provided*, no unnecessary injury be done thereto. Permission to enter upon lands for the purposes of surveying.

SEC. 2. That if the parties interested—namely, party or parties representing the Government of the United States Coast Survey on the Coast of California, and the owners or possessors of the Land so entered upon, and to which damage may have been done,—cannot agree together upon the amount to be paid for the damages caused by doing any of the acts aforesaid, either Adjudication of damages.

of them may complain, in a summary manner, to the nearest Justice of the Peace for the District of the County where the damages may have been committed, who shall associate with himself two disinterested freeholders of the said County, one to be named by each party interested, who shall, upon hearing the parties, and with or without view of the premises, as they may determine, proceed to assess and award any damages which may have accrued to the owners or possessors of the Land so entered upon; *Provided*, nevertheless, that the party complaining as, aforesaid, shall serve upon the opposite party interested, ten days notice, in writing, of the time and place where said complaint is to be heard, and the name of the freeholder by him selected.

Report of Magistrate and proceedings thereon.

SEC. 3. That the said magistrate and freeholders shall, without unreasonable delay, file in the Office of the Clerk of the County Court of the County where the said complaint may have been heard, a report of their proceedings, which report shall be conclusive against the parties, and be evidence of their assent to the same; unless either of them shall, within ten days after filing of the said report, file a general or special objection to the same in the office of the said Clerk, of which the other party shall have notice; whereupon an issue shall be made up and a trial had at the next term of the County Court of said County, in the same manner in which civil cases are tried; except that the judgment shall be rendered and the damages assessed at the first term.

Tender of damages.

SEC. 4. That any person so entering upon Land, as aforesaid, for the purposes aforesaid, may tender to the party injured sufficient amends for any damages done upon said Land; and, if, upon examination before the Justice of the Peace and freeholders as aforesaid, or upon trial before the County Court, the damages finally assessed shall not exceed the amount so tendered, the person who had so entered and tendered the amount, shall recover his costs.

Justices' costs.

SEC. 5. That the Justices of the Peace and freeholders aforesaid, upon complaint made to them as aforesaid, and decision given, shall receive the same costs to which, by law, Justices of the Peace are entitled in a civil case from summons to judgment; and upon the trial in the County Court the costs shall be taxed by analogy to the Bill of Costs in said Court, established by law.

Intentional damage.

SEC. 6. That if any person or persons shall wilfully or wantonly injure, deface, or remove any instrument, signal, monument, building, or any appendage thereto, used or constructed in the State of California, under and by virtue of the Act of Congress aforesaid, he and they shall be liable to indictment for the same, under this Statute, for each and every offence, and upon conviction, shall be sentenced to pay a fine of two hundred dollars, one-half of which shall go to the prosecutor, and the remainder shall be appropriated according to the Laws of this State regulating the disposal of such fines, or shall be imprisoned not more than one month, or both, at the discretion of the Court

Penalty.

before which such conviction shall take place, and he and they shall also be liable for all damages sustained by the United States of America, by reason of any such injury, defacement, or removal; to be recovered by action on the case in any Court of competent jurisdiction.

SEC. 7. This Act shall take effect from and after its passage. Commencement of this Act.
 APPROVED, April 2, 1852.

CHAPTER LXXVI.

AN ACT

Giving the consent of the Legislature of the State of California to the purchase by the United States, of land within this State for public purposes.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. That the consent of the Legislature of California be and the same is hereby given to the purchase by the Government of the United States, or under the authority of the same of any tract, piece or parcel of land, from any individual or individuals, bodies politic or corporate, within the boundaries or limits of this State, for the purpose of erecting thereon Armories, For what purposes. Arsenals, Forts, Fortifications, Navy Yards, or Dock Yards, Magazines, Custom Houses, Light Houses, and other needful public buildings or establishments whatsoever; and all Deeds, Conveyances or Title Papers for the same, shall be recorded, as in other cases, upon the Land Records of the County, in which the land so conveyed may lie; and in like manner may be recorded a sufficient description, by metes and bounds, courses and distances, of any tract or tracts, legal divisions or sub-divisions, of any public land belonging to the United States, which may be set apart by the general government, for any or either of the purposes before mentioned, by an order, patent, or other official document or paper so describing such land. Proceedings under the Act. The consent herein and hereby given being in accordance with the seventeenth clause of the eighth section, of the first article of the Constitution of the United States, and with the Acts of Congress in such cases made and provided.

SEC. 2. The lots, parcels or tracts of land so selected, together with the tenements and appurtenances, for the purposes before mentioned, shall be held exempt from taxation by the State of California. Exempt from taxation.

APPROVED, April 27, 1852.

CHAPTER LXXVII.

AN ACT

To grant the Right of Way to the United States for Rail Road purposes.

Preamble.

Whereas, the interests of this State, as well as those of the whole Union, require the immediate action of the government of the United States for the construction of a National thoroughfare connecting the navigable waters of the Atlantic and Pacific Oceans, for the purposes of National safety, in the event of war, and to promote the highest commercial interests of the Republic, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Atlantic and Pacific railroad.

SEC. 1. The Right of Way through this State is hereby granted to the United States for the purpose of constructing a Rail Road from the Atlantic to the Pacific Oceans.

APPROVED, May 1, 1852.

CHAPTER LXXVIII.

AN ACT

To authorize James L. Freaner to construct a wagon road from Sacramento Valley to the Oregon line, and to regulate the Tolls, to be collected on the same.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries.

SEC. 1. James L. Freaner, or his assigns, are authorized, at his or their own expense, to construct a public wagon road or high way, from any point in the Sacramento Valley, above the mouth of Clear Creek, in the County of Shasta, by the most direct practicable route, to the head of Shasta Valley, and thence to the boundary line between the State of California, and the Territory of Oregon, in the manner hereinafter specified. *Provided*, such road or highway shall not occupy or interfere with any road or highway used or occupied by the people of the

Not to interfere with other roads.

State of California. Said road shall be open at least forty feet in width and improved in such a manner as to allow the free passage of wagons and other vehicles within the limit of two hundred feet, and shall be completed throughout its entire extent within three years from the passage of this Act, *Provided*, that when said road shall have been opened and completed, over either of the sections of the same, according to the provisions of this section, included within the points following; that is to say from Sacramento River to Pitt River; from Pitt River to Shasta, or from Shasta River to the Oregon line, the proprietors of said road may collect Tolls, for travelling on the sections so completed, at the rates hereinafter provided.

Construction.

When Tolls may be collected

SEC. 2. The said James L. Freaner, is hereby authorized and required to survey and mark out, by distinct blazes or monuments, the line of said road, within one year from the passage of this Act, and file with the Secretary of State, and also with the County Recorder, of each County through which said road may pass, a clear and distinct diagram of said road, and map of contiguous territory. And for the purpose of constructing and using said road, the said James L. Freaner or his assigns, as prescribed by law, is hereby authorized to use and occupy two hundred feet in width on the line of said road; *Provided*, that the space thus occupied and used shall not intrude upon or injure the possession or property of others, without adequate compensation, for any injury or damage which may be sustained, to be paid by the said Freaner.

Survey and report.

SEC. 3. The said road shall be completed through the whole extent, as herein provided, at the expiration of three years after the passage of this Act, and shall be kept and always remain in good travelling condition, for wagons and carriages, and the said Freaner or his assigns shall be held liable for any damages which may be sustained, by the reason of the bad condition of the road or ferries, and should said road not be completed as provided in this section, this Act shall be and is hereby declared null and void, accidents caused by fire, flood or storm, excepted.

Completion of road.

Responsibility.

SEC. 4. As soon as the said road is completed and opened for travel, the aforesaid James L. Freaner, or his assigns, may assess and collect tolls not to exceed the following rates, viz: For every road wagon, five cents per mile; for every coach or mail wagon, eight cents per mile; for every horse, mule or ox, attached to wagon, carriage or coach, one cent per mile; for every pleasure carriage, six and one-fourth cents per mile; for every horse or mule, with rider, two and one-half cents per mile; for all grown horses, mules, jacks, jennys or cattle, one cent per mile, per head; for sheep or hogs, one cent per mile per head. The foregoing rates to be collected for each mile actually travelled on said road. In addition to the foregoing rates, there may be charged and collected, at each bridge or ferry, when a bridge or ferry is necessary to be used, which said Freaner may construct on the line of said road, across the Sacramento, Pitt, or Klamath Rivers, not to exceed for every

Tolls.

Additional.

road wagon, two dollars; for every coach or mail wagon, three dollars; for every horse, mule or ox, attached to wagon, carriage or coach, fifty cents; for every pleasure carriage, two and one-half dollars; for every horse or mule with rider, one dollar; for every footman, twenty-five cents; for every head of loose animals, twenty-five cents; *Provided*, that before tolls shall be collected on said road, or either section thereof, the same shall be inspected by the County Surveyor, of the County in which said road or section thereof may be, and a certificate of said Surveyor's approval, shall be filed in the office of the County Recorder.

Inspection of
road.

SEC. 5. After the expiration of the first three years, from the completion of said road, the said James L. Freaner or his assigns, shall pay five per cent. of the nett receipts from tolls collected on said road, semi-annually, into the State Treasury. The said Freaner or his assignees, shall keep in a book to be provided by him, for the purpose, a true and correct account of all gross receipts from tolls and ferries, and shall furnish semi-annually to the Treasurer of State, under oath, an abstract of the same, after the first three years of the completion of said road, and shall pay over to the Treasurer of State the per centage on such amounts, as provided in this Act, for the use and benefit of the State.

State revenue
from road.

Accounts and
sworn statements

Duty of propri-
etors.

Obligations.

SEC. 6. The proprietors of said road shall cause to be kept in constant attendance, at each and every toll gate, bridge or ferry, a sufficient number of persons to admit and facilitate the progress of travellers, by day or night, under a penalty of ten dollars to each person delayed, to be recovered by the person so delayed, before any court of competent jurisdiction, within the County where any such delay may have been occasioned, to be paid into the Treasury of said County. And the said James L. Freaner, or his assigns, shall be further liable to the party injured by such delay, in an action for damages, in any court of competent jurisdiction, in either County where any portion of said road may be located.

Injury to road.

Penalty.

SEC. 7. Any person or persons who shall intentionally obstruct or injure said road, or highway, or any bridge or ferry erected upon the same, to the injury or hindrance of travellers, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum, not less than twenty, nor more than five hundred dollars, to be paid into the County Treasury, with costs of prosecution, and shall, moreover, be liable to the proprietors of said road, in a civil action, for any damages, which they may sustain, to be recovered in any court of competent jurisdiction.

Re-location.

SEC. 8. If at any time after the location of the track of said road, in whole or in part, and filing the map thereof, the said James L. Freaner, or his assigns, shall deem it necessary that the line of said road in some part thereof, should be changed, it shall be lawful for said Freaner or his assigns, from time to time, to alter the line, and cause a new map of the parts of said road so altered, to be filed in the offices where the map showing

the first location is required to be filed, and may thereupon take possession of the lands embraced in such new location, to the same extent, and under the same restrictions as required in this Act, on the line of the first location of said road, and when such re-location is made the old line shall be vacated. And if at any time, after the proprietors of said road shall declare the same open for travel, they, by inattention or negligence, suffer the same to get out of repair, or become obstructed in such a manner as to preclude the passage of loaded wagons over any portion of the same, no tolls shall be collected, at the toll gates, bridges or ferries, until such obstructions shall be removed and said road put in complete and thorough repair.

Conditions.

SEC. 9. The bridges and ferries by this Act authorized, shall be liable to assessment for taxes.

Taxes.

SEC. 10. Any person travelling on the road authorized by this Act, who shall travel around the toll gates, erected on said road for the purpose of avoiding the payment of toll, shall be guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not less than five nor more than twenty dollars, for each and every offence, to be paid into the County Treasury of the County, and further be liable to the proprietors of said road, for a sum equal to double the amount of tolls sought to be avoided.

Evasion of tolls.

Penalty.

SEC. 11. It shall be lawful for any County or State road, or any road authorized to be constructed, by individuals or companies, to connect with, cross, or terminate at any point, upon the road constructed under this Act.

Intersection of roads.

SEC. 12. The Legislature may at any time, alter, amend or repeal this Act, upon petition from a majority of the voters, of the Counties through which the said road shall pass.

Repeal.

SEC. 13. The proprietors of said road shall at all times and constantly, keep posted at each toll gate, ferry or bridge, kept on said road, the rate of tolls which they are authorized to collect, and receive, and shall erect, and continue mile posts, numbering the miles from the southern terminus of said road.

Rates of toll to be posted.

SEC. 14. This Act shall be in force for twenty-five years from and after its passage.

Commencement of this Act.

APPROVED, April 24, 1852.

CHAPTER LXXIX.

AN ACT

To authorize the Construction of a Wagon Road from Humboldt Bay to the Sacramento Valley.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Parties to construct.

SEC. 1. M. Stewart, William A. Mix, Dennis B. Mooney, William C. Estes, James A. Patterson, William H. Sansberry, J. D. Myers, J. W. McKee, Charles E. Williams, K. Dobyns, W. Hill Dixon, John H. Harper, John Kingsberry and Joseph Sturdevant, or their assigns, are hereby authorized, at their own expense, to construct a public Wagon Road or Highway from any point or points on or near to Humboldt Bay, by the most direct practicable route to the town of Weaverville, in Trinity County, and thence to some point in the Sacramento Valley, in the manner hereinafter specified. The said parties, or their assigns, are also empowered to construct a Branch of the said Road, starting in the valley of Eel River and connecting with the said Road in such manner as to connect with the Sacramento Valley by the most practicable route.

Boundaries.

Branch.

Survey.

Report of which to be recorded.

Right of way.

SEC. 2. The said parties, or their assigns, are hereby authorized and required to survey and mark out, by distinct blazes, or monuments, the line of said Road and Branch, within twelve months from the passage of this Act, and file with the Secretary of State, and also with the County Recorder of each County through which said Road and Branch may pass, a clear and distinct diagram of said Road and Branch, and a map of the contiguous Territory, and for the purpose of constructing, using and carrying on the business of said Road, the said parties, or their assigns, are hereby granted the right of way ; *Provided*, that the space thus occupied by said Road or Branch shall not intrude upon or injure the possession of others, without adequate compensation for any injury or damage which may be sustained, to be paid by the said parties or their assigns.

Prohibition.

SEC. 3. The said parties or their assigns are hereby prohibited from constructing said Road or Branch so as to interfere with any Road or Highway at present used by the people of the State of California.

Rates of toll.

SEC. 4. As soon as the said Road or Branch is completed and open for travel, the said parties or their assigns may assess and collect tolls, not to exceed the following rates, viz : For every road wagon, mail-coach, or other four-wheeled vehicle, two and a half cents per mile ; for every two-wheeled vehicle, one and a half cents per mile ; for every horse, mule, ox, or

other animal attached to such vehicle, one-half cent per mile ; for every riding animal, with rider, one cent per mile ; for every horse, mule, or other animal with pack, one-half cent per mile ; for every horse, mule, jack, jenny, ox, cow, or other cattle running loose and not packed, two cents for every ten miles ; for hogs and sheep, one cent per head for every ten miles. In addition to this, there may be charged and collected at every bridge or ferry which the said parties or their assigns may construct or cause to be constructed on the line of said Road, for every road wagon or other four-wheeled vehicle, not to exceed one dollar ; for every two-wheeled vehicle, fifty cents ; for every work animal thereto attached, twenty-five cents ; for every riding animal with rider, fifty cents ; for every horse, mule, jack, jenny, ox, cow, or other cattle not attached to any vehicle, but running loose, twenty cents ; for hogs and sheep, five cents per head ; for every footman, twenty-five cents.

Additional tolls.

SEC. 5. For the first five years after the completion of said Road for travel and transportation, the said parties or their assigns shall be and are hereby required to pay into the State Treasury, semi-annually, five per cent. of the nett profits arising from tolls collected on said Road and Branch, and after the expiration of the first five years, then five per cent. of the gross receipts shall be paid in.

State revenue.

SEC. 6. The proprietors of said Road shall cause to be kept in constant attendance at each and every toll-gate, bridge and ferry a sufficient number of persons to admit and facilitate the progress of travellers by day or night, and upon failing so to do for each person so delayed, said parties or assigns shall forfeit and pay twenty dollars, to be recovered by said person before any Court of competent jurisdiction within the County where any such delay may have occurred, to be paid into the Treasury of said County, and the said parties or assigns shall be further liable to the party injured by such delay, in an action for damages in any Court of competent jurisdiction in either County where any portion of said Road or Branch may be located.

Requirements and liabilities of proprietors.

SEC. 7. Any person or persons who shall intentionally obstruct or injure said Road or Branch, or any bridge or ferry erected upon the same, to the injury or hindrance of travellers, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty nor more than five hundred dollars, to be paid into the County Treasury, with costs of prosecution, and shall moreover be liable to said parties or their assigns in a civil action for any damages which they may sustain, to be recovered in any Court of competent jurisdiction.

Obstruction or injury to road.

SEC. 8. The bridges and ferries by this Act authorized, shall be liable to assessment for taxes.

Taxes.

SEC. 9. Any person travelling on the Road or Branch authorized by this Act, or living on the same, who shall travel around the toll-gates on said Road for the purpose of avoiding the payments of toll, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than

Evasion of tolls.

Penalty. twenty dollars for each and every offence, to be paid into the County Treasury of the County; and every such person shall be further liable to the proprietors of said Road in a sum for double the amount of tolls so sought to be avoided; *Provided*, however, that this section shall not be so construed as to compel persons to use the bridges or ferries along said Road when they prefer to cross the stream by fording.

Intersections. SEC. 10. It shall be lawful for any County or State Road, or any Road authorized to be constructed by individuals or companies, to connect with, cross or terminate at, any point upon the Road or Branch constructed by this Act.

May be repealed. SEC. 11. The Legislature may at any time alter, amend or repeal this Act, upon petition from a majority of the votes of the Counties through which the said Road shall pass.

Rates of toll to be posted. SEC. 12. The proprietors of said Road shall, at all times, and constantly keep posted at each toll-gate, ferry or bridge kept on said Road, the Rates of Tolls they are authorized to collect and receive, and shall erect and continue mile posts, numbering the miles from the southern terminus of said Road.

Management of road. SEC. 13. In organizing and managing the affairs of the Road, and in adopting all rules and regulations for that purpose, a majority of the proprietors of the same shall be authorized to act.

SEC. 14. This Act shall be in force for fifteen years from and after its passage.

APPROVED April 28, 1852.

CHAPTER LXXX.

AN ACT

To provide for Appeals in certain cases.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Unlawful detention.

SEC. 1. Any Action or Inquest commenced in this State prior to the first of June, eighteen hundred and fifty-two, for a forcible or unlawful entry upon or unlawful detention of lands, tenements, or other possessions, may be appealed to the District Court of the proper County, at any time within one year from and after the passage of this Act.

Appeal.

How taken.

SEC. 2. The appeal shall be taken by filing with the Justice of the Peace in whose custody the record of the judgment from which the appellant designs to appeal, or if judgment has been rendered on appeal in the County Court, with the Clerk of such County Court, a notice stating such appeal, and by giving a copy of such notice to the opposite party, his agent or attorney,

if he or either of them can be found, and if the party, his agent or attorney, cannot be found, to the person in possession of the land in controversy in such suit or inquest.

SEC. 3. The appeal shall not be deemed perfected until the appellant shall file with such Justice or Clerk as the case may be, an undertaking with two sufficient sureties in such sum as may be determined to be proper and just by such Clerk or Justice, or shall deposit that amount of money instead thereof, conditioned for the payment of the costs of the appeal; *Provided*, judgment shall be affirmed by the Appellate Court. Sureties required.

SEC. 4. On receiving the undertaking or deposit mentioned in section three, the Justice or Clerk, as the case may be, shall transmit to the District Court all the papers in such cause in his possession, together with a full transcript of the proceedings as they appear on the record or docket. Papers to be sent up.

SEC. 5. Such appeal shall be tried anew at the next general term of the District Court. Hearing.

SEC. 6. Either party may amend his pleading in the District Court, or if the pleadings shall have been lost, may substitute a new complaint or answer conformable with the cause of action originally commenced. Pleadings may be amended.

SEC. 7. If the record, in any such cause of action, shall have been removed for any purpose, by certiorari or mandamus to the Supreme Court, and shall have been dismissed for want of jurisdiction, or shall remain still undisposed of, the Supreme Court shall reinstate such cause on the calendar on application of any person deeming himself injured, and on reasonable notice to the adverse party, his agent or attorney shall proceed to judgment as in other causes. Certiorari or mandamus.

SEC. 8. If any such cause has been dismissed from the County Court for any cause, the appeal may be taken directly from the County Court to the District Court. Dismissed causes.

SEC. 9. If the judgment of the Court below is reversed, and a writ of restitution has been issued and executed, the Appellate Court shall award a writ of restitution and the defendant be restored to his possession. Writ of restitution.

SEC. 10. If it shall appear, on the trial in the District Court, or by the transcript in the Supreme Court, that the plaintiff was not entitled to his writ of restitution, and he shall have been, by writ of restitution, placed in possession, and it shall appear by the transcript in the Supreme Court, or on the trial in the District Court, that the defendant was wrongfully dispossessed, the Court shall give judgment for the defendant and award to him his costs, and shall enter up a judgment for the amount of the rents and profits during the time he has been kept out of possession of the premises, the rents and profits to be computed in the Supreme Court according to the finding of the monthly value in the Court below, and in the District Court according to the finding on the trial therein. Judgment and costs.

APPROVED, April 29, 1852.

CHAPTER LXXXI.

AN ACT

To amend the seventeenth Section of the "Act concerning Forcible Entry and Unlawful Detainers."

The People of the State of California, represented in Senate and Assembly do enact as follows :

Former Act
amended.

SEC. 1. That the seventeenth section of the Act entitled "An Act concerning Forcible Entry and Unlawful Detainers," passed April twenty-second, one thousand eight hundred and fifty, be so amended as to read as follows: "Upon taking such appeal, all further proceedings in the case shall be thereby stayed, and the Appellate Court, in all cases which are now pending or which may hereafter be brought, shall proceed to try the case anew, and shall issue all necessary writs and process to carry out the provisions of this Act.

Appellate Court.

Laws repealed.

SEC. 2. All laws or parts of laws which require a statement of the case, or evidence, or exceptions, to be taken before a Justice of the Peace on the trial of a case for Forcible Entry and Unlawful Detainer, in order to perfect an appeal, are hereby repealed, and the same shall be tried in the Appellate Court on the evidence introduced before said Appellate Court.

APPROVED, April 2, 1852.

CHAPTER LXXXII.

AN ACT

Prescribing the mode of maintaining and defending possessory actions on Public Lands in this State.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Occupants of
public lands may
defend possession

SEC. 1. Any person now occupying and settled upon, or who may hereafter occupy or settle upon any of the Public Lands in this State, for the purpose of cultivating or grazing the same, may commence and maintain any action for interference with, or injuries done to his or her possession of said land, against any person or persons so interfering with, or injuring such land or possession; *Provided* that, if the lands so occupied

and possessed, contain mines of any of the precious metals, the possession or claim of the person or persons occupying the same for the purposes aforesaid, shall not preclude the working of such mines by any person or persons desiring so to do as fully and unreservedly as they might or could do had no possession or claim been made for grazing or agricultural purposes.

Mineral lands.

SEC. 2. Every such claim, to entitle the holder to maintain any action as aforesaid, shall not contain more than one hundred and sixty acres, and the same shall be marked by metes and bounds, so that the boundaries may be readily traced, and the extent of such claim easily known, and no person shall be entitled to maintain any such action for possession of or injury to any claim, unless he or she occupy the same, and shall have complied with the provisions of the third and fourth sections of this Act.

Extent of claim.

Metes and bounds

To be occupied

SEC. 3. Any person being a citizen of the United States, claiming any of the Public Lands in this State, shall file in the office of the Recorder of the County in which such lands are situated, his affidavit setting forth: First, that his or her lines do not embrace more than one hundred and sixty acres of land; Second, that he or she has taken no other claim under this Act, and to the best of his knowledge and belief, that the said lands are not claimed under any existing title: upon the filing of this affidavit, the Recorder shall proceed to record said claim in a book to be kept in his office for that purpose.

Claim to be recorded.

Affidavit

Contents.

SEC. 4. Within ninety days after the date of said record, the party recording is hereby required to improve the land thus recorded, to the value of two hundred dollars, by putting such improvements thereon as shall partake of the realty, unless such improvements shall have been made prior to the application to record, according to section third.

Land to be improved.

SEC. 5. At any time after the provisions of the second, third and fourth sections of this Act shall have been complied with, the party so complying shall be permitted to absent himself or herself from such claim without being required to occupy the same for a period of not more than twelve months; *Provided*, the person so wishing to absent himself or herself, shall first pay to the Treasurer of the County in which said claim shall be situated, the sum of fifteen dollars, upon which payment the Treasurer shall issue a receipt for the same; at any time within twelve months after the date thereof, such receipt shall be received as prima facie evidence of possession, in any Court having jurisdiction in such cases, for the recovery of the possessory right to, or injury done to such claim. Any person absenting himself from said claim for a longer period than sixty days, without first paying the sum as provided in this section, shall forever forfeit his claim to the lands. One half of the amount paid to any County Treasurer under the provision of this section, shall be paid by said Treasurer into the general fund of such County, and the balance in the State Treasury, whenever making his regular settlements with the State Treasurer. The State Treasurer shall set apart and retain all moneys received from such source, as a special

Occupant may absent himself.

Conditions.

Appropriation of revenue from this Act.

fund, which may hereafter be appropriated by law, for the maintenance and protection of the Insane.

Proceedings in
action.

SEC. 6. On the trial of any such causes, the possession or possessory right of the plaintiff shall be considered as extending to the boundaries embraced by the claim of such plaintiff, so as to enable him or her, according to section third, to have and maintain any action as aforesaid, without being compelled to prove an actual enclosure.

Rights of settlers.

SEC. 7. All the rights and benefits given to settlers on Public Lands by this Act, shall extend to and be enjoyed by all persons who shall acquire any rights of possession, or title, by the provision of any Act which has been, or may hereafter be passed, to secure a pre-emption right to the overflowed and swamp or school lands of this State.

Swamp and
School lands.

Timber lands.

SEC. 8. The provisions of this Act shall not apply to any lands on which red wood timber grows, south of thirty-eight degrees and thirty minutes. "An Act describing the mode of maintaining and defending possessory actions on land belonging to the United States," passed April eleventh, one thousand eight hundred and fifty, is hereby repealed.

Former Act re-
pealed.

APPROVED, April 20, 1852.

CHAPTER LXXXIII.

AN ACT

In relation to Actions wherein the State is a party.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Costs.

SEC. 1. All costs which have or may hereafter accrue in cases where the State is a party to any action in any of the Courts of this State, and wherein the State, according to law, is liable, shall be paid out of any funds in the State Treasury not otherwise appropriated.

APPROVED, May 3, 1852.

CHAPTER LXXXIV.

AN ACT

Defining the time of commencing Civil Actions in certain cases.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. An Action upon any contract, obligation or liability for the payment of money, founded upon an instrument of writing executed out of this State, can only be commenced as follows: *First*, within one year, when more than two and less than five years have elapsed since the cause of action accrued; *Second*, within six months, when more than five years have elapsed since the cause of action accrued.

Limitation of certain actions.

SEC. 2. When the cause of action has arisen in another State or a Territory of the United States, or in a foreign country, and by the laws thereof an action thereon cannot there be maintained against a person by reason of the lapse of time, no action thereon shall be maintained against him in this State.

Cases where no action can be maintained in this State.

APPROVED, May 4, 1852.

CHAPTER LXXXV.

AN ACT

Concerning the Supreme Court.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The April term, of one thousand eight hundred and fifty-two, of the Supreme Court shall be holden at the city of San Francisco.

Place of holding court.

SEC. 2. All laws and parts of laws in contravention of this Act, be and the same are hereby repealed.

Conflicting Acts repealed.

APPROVED April 7, 1852.

CHAPTER LXXXVI

AN ACT

Concerning the place of holding the Sessions of the Supreme Court.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Sessions shall be held in San Francisco.

SEC. 1. Until otherwise provided by law, the Sessions of the Supreme Court shall be held in the city of San Francisco.

APPROVED, May 4, 1852.

CHAPTER LXXXVII.

AN ACT

Concerning the Courts of Justice of this State and Judicial Officers.

The people of the State of California, represented in Senate and Assembly, do enact as follows :

Governor to fill vacancies.

SEC. 1. The Governor of the State shall supply by appointment, the temporary vacancy, caused by the absence of a Judge of the Supreme Court, or of a Judge of any of the Courts of this State. Such temporary Judge, so appointed, shall take the oath of office, before entering upon the discharge of its duties, and be entitled to hold said office, during the vacancy thereof, and no longer, and shall receive as compensation, at the rates of the salary now fixed by law, and which shall commence from the date of his entering upon the duties of his office.

Compensation of Judges.

APPROVED, March 27, 1852.

CHAPTER LXXXVIII.

AN ACT

Amendatory of An Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed March eleventh, eighteen hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The eighty-seventh section of An Act, entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," approved March eleventh, eighteen hundred and fifty-one, is hereby amended so as to read as follows : "These Courts, excepting the County of San Francisco, shall have jurisdiction of the following actions and proceedings ; *First*, of an action arising on contract for the recovery of money, only if the sum claimed exclusive of interest, do not exceed the sum of five hundred dollars ; *Second*, of an action for damages for an injury to the person, or for taking, detaining, or injuring personal property, if the damages claimed do not exceed the sum of five hundred dollars ; *Third*, of an action for a fine, penalty, or forfeiture, not exceeding five hundred dollars, given by statute or the ordinance of an incorporated city ; *Fourth*, of an action upon a Bond, conditioned for the payment of money not exceeding five hundred dollars, though the penalty exceed that sum, the judgment to be given for the sum actually due. When the payments are to be made by instalments, an action may be brought for each instalment as it becomes due ; *Fifth*, of an action upon surety Bonds, or undertakings taken by them though the penalty or amount claimed exceed five hundred dollars ; *Sixth*, of an action for the foreclosure of any mortgage or the enforcement of any lien on personal property, when the debt secured does not exceed, exclusive of interest, five hundred dollars ; *Seventh*, of an action to recover the possession of personal property when the value of such property does not exceed five hundred dollars ; *Eighth*, to take and enter judgment on the confession of a defendant, when the amount confessed does not exceed five hundred dollars ; *Ninth*, of an action for a forcible or unlawful entry upon, or a forcible or unlawful detention of lands, tenements, or other possessions. The Justice's Court, of the County of San Francisco, shall have jurisdiction of the actions specified in the first eight sub-divisions, to cases involving an amount not exceeding two hundred dollars, exclusive of interest.

Former Act amended.

Increase of jurisdiction to \$500.

San Francisco.

Actions upon contract.

Damages.

Fines, &c.

Bonds or

Sureties.

Mortgages.

Personal property

Judgment by confession.

Forcible entry, &c. Justice's Courts of San Francisco.

SEC. 2. This Act to take effect from and after its passage.
APPROVED, May 3, 1852.

Commencement of this Act.

CHAPTER LXXXIX.

AN ACT

To regulate the terms of the District Courts of the Tenth Judicial District.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Term for Yuba
county.

SEC. 1. That there shall be a term of the District Court held for the County of Yuba, on the third Mondays in February, May, August, and November, and shall continue in session three weeks, should the business of the Court so require.

For Nevada
county.

SEC. 2. That there shall be a term of said Court, held for the County of Nevada, on the second Mondays in March, June, September and December, and shall continue in session for the period of three weeks, should the business of the Court so require.

For Sutter
county.

SEC. 3. There shall be a term of said Court held for the County of Sutter, on the second Mondays of April, July, October, and January, and shall continue in session for the period of one week, should the business of the Court so require.

For Sierra county

SEC. 4. There shall be a term of said Court held for the County of Sierra, on the first Monday of January, April, July, and November.

Discretionary
powers of the
judge.

SEC. 5. That the Judge of said Court, may, at his discretion, hear and determine all issues of law, that may arise in the trial of any case at any of the terms of said Court.

Order for special
term.

SEC. 6. That the Judge of said Court, may, either in open Court, or at his chambers, issue an order for the holding of a special term of the District Court, during any vacation, for the trial of any criminal cause in said Court.

Commencement
of this Act.

SEC. 7. That all Acts or parts of Acts, conflicting with the provisions of this Act, be hereby repealed.

APPROVED, May 4, 1852.

CHAPTER XC.

AN ACT

To amend An Act, supplementary to An Act entitled "An Act concerning County Recorders," passed March, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly do enact as follows :

SEC. 1. The first section of the Act entitled "An Act supplementary to An Act entitled "An Act concerning County Recorders," passed March, one thousand eight hundred and fifty-one, is hereby amended so as to read: The provisions of the Act entitled "An Act concerning County Recorders," passed March, one thousand eight hundred and fifty-one, shall not apply to Tuolumne County, so far as such Act unites the office of County Recorder, with that of County Clerk, but in said County the office of County Recorder shall be separate and distinct from the office of County Clerk.

Former Act amended.

Tuolumne county exempted from this Act.

The offices of County Clerk and Recorder to be separated.

Commencement of this Act.

SEC. 2. This Act shall take effect on the first day of March, one thousand eight hundred and fifty-two.

APPROVED, February 10, 1852.

CHAPTER XCI.

AN ACT

To repeal the third section of "An Act concerning County Recorders," passed March twenty-sixth, one thousand eight hundred and fifty-one, and to amend the fifteenth section of said Act.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The third section of "An Act concerning County Recorders," approved March twenty-sixth, one thousand eight hundred and fifty-one, is repealed. The election and term of office of the Recorders of the Counties of San Francisco, Sacramento, Santa Clara, El Dorado, and San Joaquin, shall be governed by the fourteenth section of the "Act concerning officers," approved April twenty-eight, one thousand eight hundred and fifty-one.

The election and terms of Recorders in certain counties.

Two or more
indexes may be
kept in same
volume.

Manner and
form.

SEC. 2. The fifteenth section of the "Act concerning County Recorders," approved March twenty-sixth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows: Section fifteen: But the Recorder may in his discretion, keep in the same volume any two or more of the indexes mentioned in section fourteenth of this Act, *Provided*, the several indexes be kept distinct from each other, and the volume be distinctly marked on the outside, in such way as to show all the indexes kept therein. The names of the parties in the first column in the several indexes, shall be arranged in alphabetical order, and when a conveyance is executed by a Sheriff, the name of the Sheriff, and the party charged in the execution, shall both be inserted in the index, and when an instrument is recorded to which an Executor, Administrator or Trustee, is a party, the name of such Executor, Administrator, or Trustee, together with the name of the testator or intestate, or party, for whom the trust is held shall be inserted in the index.

APPROVED, May 3, 1852.

CHAPTER XCII.

AN ACT

To legalize Acknowledgments of Deeds taken before and certified by County Recorders.

Preamble.

Whereas, doubts exist as to the legality of the Acknowledgment of Deeds and other Instruments of writing, whereby Real Estate is conveyed or may be affected, taken before and certified by County Recorders prior to the twenty-sixth day of March, one thousand eight hundred and fifty-one; Therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deeds and instru-
ments acknowl-
edged before
Recorders.

SEC. 1. All Acknowledgments of Deeds and other Instruments in writing, whereby Real Estate is conveyed, or may be affected, taken before County Recorders and by them certified in usual legal form, prior to the twenty-sixth day of March, one thousand eight hundred and fifty-one, shall have the same force and effect, and the Records thereof, and of the Deeds and Instruments so acknowledged if they shall have been admitted to Record, shall impart notice to the same extent as though such acknowledgment had been taken before and certified by an officer authorized by law to take and certify such acknowledgments.

Commencement
of this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

APPROVED, April 16, 1852.

CHAPTER XCIII.

AN ACT

Amendatory of "An Act concerning Coroners," passed April nineteenth, one thousand eight hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. "The Act concerning Coroners," passed April nineteenth, one thousand eight hundred and fifty, is hereby amended by adding an additional section, as, Section twenty-two: When an inquest shall be held by the Coroner, and no person shall offer to take charge of the body of the deceased, it shall be his duty to cause said body to be decently interred, and in case that there shall not be sufficient property belonging to the estate of the deceased, to pay the necessary expenses of the said burial, said expenses shall be a legal charge upon his County. The Coroner shall be entitled to receive the sum of two dollars out of his County Treasury, for attending to the burial of such dead body.

Former Act amended.

Duty in case of deceased persons.

Compensation.

APPROVED, April 24, 1852.

CHAPTER XCIV.

AN ACT

To amend the twentieth section of "An Act concerning Coroners," passed April nineteenth, one thousand eight hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. Section twentieth of "An Act concerning Coroners," is hereby amended so as to read as follows : "Section twenty. In the Counties of San Diego, Los Angeles, Santa Barbara, San Luis Obispo, Sonoma, Santa Clara, Monterey, a Coroner shall receive five dollars for each Inquest he may hold, and twenty cents for each mile necessarily travelled to hold an inquest. In all other Counties of the State a Coroner shall receive ten dollars for each Inquest he may hold, and twenty-five cents for each mile necessarily travelled to hold an Inquest. Coroners' fees shall be County charges.

Fees of Coroners.

APPROVED, April 30, 1852.

CHAPTER XCV.

AN ACT

To amend the one hundred and eighty-second Section of "An Act concerning Corporations," passed April twenty-two, one thousand eight hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Real and personal
property of
Trustees.

SEC. 1. The one hundred and eighty-second Section of "An Act concerning Corporations," passed April twenty-two, one thousand eight hundred and fifty, is hereby amended so as to read as follows: "Section one hundred and eighty-two. The real estate held by the Trustees in trust for such organization shall in no case exceed four whole lots in a town or city, or twenty acres in the county, nor shall the annual income of such real and personal property held in trust by them exceed the sum of ten thousand dollars.

APPROVED, May 3, 1852.

CHAPTER XCVI.

AN ACT

Amendatory of an Act entitled "An Act concerning Corporations," passed April twenty-two, one thousand eight hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Officers of religious
denominations may become
a body corporate.

SEC. 1. The one hundred and eighty-fourth Section of the Act entitled "An Act concerning Corporations," passed April twenty-two, one thousand eight hundred and fifty, is amended so as to read as follows: "Section one hundred and eighty-four. Whenever the rules, regulations and discipline of any Religious denomination, Society or Church require for the administration of the temporalities thereof, and the management of the estate and property thereof, it shall be lawful for the Bishop, Chief Priest, or presiding Elder of such Religious denomination, Society or Church to become a sole Corporation, in the manner prescribed in this chapter, as nearly as may be,

and with all the powers and duties, and for the uses and purposes in this chapter provided for Religious Incorporations, and subject to all the conditions, limitations and provisions in said chapter prescribed; *Provided*, that for proof of the appointment or election of such Bishop, Chief Priest or presiding Elder, it shall be sufficient to record with the Clerk of the County in which such Bishop, Chief Priest or presiding Elder resides, the original, or a copy of his commission, or certificate, or letters of election, or appointment, duly attested; and that all property held by such Bishop, Chief Priest or presiding Elder, shall be in trust for the use, purpose and behoof of his Religious denomination, Society or Church; and that the limitation in section one hundred and eighty-two, shall not apply to Incorporations formed under this section; and *Provided*, also, that the District Judge of the District in which any incorporation is formed under this chapter, shall at all times have access to the books of such incorporation.

Provisions.

APPROVED, May 4, 1852.

CHAPTER XCVII.

AN ACT

To provide for the construction of Telegraph Lines within the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The right and privilege is hereby granted to Oliver E. Allen and Clark Burnham, or their assigns, to construct and put in operation an Electro-Magnetic Telegraph Line, from the city of San Francisco to the city of Marysville, by the way of the cities of San Jose, Stockton and Sacramento, with right of way over any lands belonging to this State, and on or along any streets, roads or highways, or across any stream or streams; *Provided*, they do not obstruct the same, and no person or persons shall be allowed to locate, or construct, or run any Telegraph Line, or any portion thereof, within half a mile of the Line or route selected by the said Allen and Burnham or their assigns, except that when within half a mile of any incorporated city, the proprietors of any similar Line of Telegraph, may enter said city and depart therefrom, making their Station therein, within twenty yards of the Station of said Allen and Burnham, or their successors, for the term of fifteen years; *Provided*, that the said above named parties or their assigns shall, within eighteen months from the passage of this Act, construct and put in operation a Tele-

To whom granted

Rights and privileges.

Duty of grantees.

Obligations.	<p>graph Line from the city of San Francisco to the city of Marysville, by the way of San Jose, and Stockton, and Sacramento; <i>Provided</i>, also, that this Act shall not prohibit the construction of local side Lines. But Lines shall not be constructed nor offices established so as to do business directly or indirectly between the cities aforesaid; but side Lines may establish offices in said cities for the transmission of communications to and from the main Line. This Line shall be bound to do the business of said Lines, and to transmit all dispatches in the order in which they are received, under the penalty of one hundred dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order, as herein prescribed; <i>Provided</i>, however, that an arrangement may be made with the proprietors or publishers of newspapers for the transmission for the purpose of publication of intelligence of general and public interest out of its regular order; and <i>provided</i>, further, that preference may be given to Sheriffs and other civil officers for the transmission of intelligence for the detection and capture of criminals.</p>
To the public press.	
Existing law not to conflict.	<p>SEC. 2. No existing law shall be so construed as to conflict or interfere with the provisions of this Act; <i>Provided</i>, that the owners of this Line shall at all times conform to the present law of the State concerning Telegraph Companies, so far as it relates to the transmission of messages.</p>
Revenue to State.	<p>SEC. 3. From and after three years from the completion of said Telegraph Lines, said Allen and Burnham, or their assigns, shall pay to the Treasurer of State three per cent. of the nett proceeds of said Line, which payment shall be made on the first Monday of May in each year.</p>
Penalties and Fines.	<p>SEC. 4. Any person or persons who shall unlawfully and intentionally injure, molest or destroy any of said lines, posts, wires, pins, or the materials or other property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not less than three hundred dollars, nor more than one thousand dollars, or by imprisonment in the County Jail not to exceed one year, or by both such fine and imprisonment for each offence, and shall be liable, to the party injured, in a civil action, for double the amount of damages sustained.</p>
Repeal of this law.	<p>SEC. 5. Any future Legislature may alter, amend, or repeal this Act, upon the petition of a majority of the voters of the Counties through which the Line may pass.</p>
Meaning of this Act.	<p>SEC. 6. Nothing in this Act shall be so construed as to prevent the construction of a Telegraph Line between the Atlantic and Pacific.</p>

APPROVED May 3, 1852.

CHAPTER XCVIII.

AN ACT

To provide for the Incorporation of Water Companies.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The provisions of Chapters one and five of the Act entitled "An Act concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty, shall extend to and apply to all associations already formed or hereafter to be formed under said Act, for the purpose of supplying any cities or towns in this State, or the inhabitants thereof, with pure and fresh Water.

Former Act amended.

SEC. 2. Any company incorporated for the purposes specified in the preceding Section, shall have the right to purchase or take possession of, and use, and hold, such lands and waters as may be required for the purposes of the Company, lying without the limits of the city, intended to be supplied with water, upon making compensation therefor. The mode of proceeding to obtain possession of such lands for the use of the Company, in cases where the parties cannot agree upon a purchase for the use of the Company, shall be the same as prescribed in Sections seventeen and eighteen of "An Act to provide for the Incorporation of Railroad Companies," passed April twenty-eight, one thousand eight hundred and fifty-one.

Powers of Water Companies.

To take possession of land.

The same as Rail Road Companies.

SEC. 3. This Act shall not give to any Company a right to supply any city with water, unless it shall be previously authorized by an ordinance, or unless it be done in conformity with a contract entered into between the city and the Company; any contracts hereafter so made, shall be valid and binding in law, but shall not take from the city the right to regulate the rates for Water, nor shall any exclusive right be granted by contract, or otherwise, for a term exceeding twenty years.

Supply of cities.

Establishment of Rates, &c.

APPROVED, May 8, 1852.

CHAPTER XCIX.

AN ACT

Supplemental to an Act entitled "An Act to provide for the Incorporation of Railroad Companies," passed twenty-eighth February, one thousand eight hundred and fifty-one."

The People of the State of California, represented in Senate and Assembly, do enact as follows :

"Prairie Cars."

SEC. 1. The provisions of the Act to which this is supplemental, shall extend and be applied to Companies formed and incorporated, for the purpose of constructing Roads, on which to run "Prairie Cars," so far as they can be made applicable.

Stockholders and Directors.

SEC. 2. The stock holders in "Car Road" Companies shall not be less than eight, and the Directors not less than three in number.

When to take effect.

SEC. 3. This Act to take effect from and after its passage.
APPROVED, March 22, 1852.

CHAPTER C.

AN ACT

Concerning the Independent Order of Odd Fellows.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

May acquire and hold property.

SEC. 1. The Grand Lodge of the Independent Order of Odd Fellows, of the State of California, or any subordinate Lodge thereof, may acquire and hold such property, real and personal, as may be deemed necessary to carry out the charitable purposes of said Institution, and may sue and be sued, and shall have such other general powers as are granted to corporations, under the law entitled "An Act concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty.

APPROVED, May 4, 1852.

CHAPTER CI.

AN ACT

To change the name of the California Wesleyan College to that of the University of the Pacific.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The name of the Corporation known as the California Wesleyan College, is hereby changed to that of the University of the Pacific, and by that name shall said Corporation be hereafter known in all Courts and places, and in that name it shall do all its business and exercise its corporate powers as fully as it could do, or exercise the same in and by its original name.

Name of Institution changed.

APPROVED, March 29, 1852.

CHAPTER CII.

AN ACT

To fund the debt of the County of Calaveras, and provide for the payment thereof.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. With a view to fund the present debt of the County of Calaveras, in this State, and provide for the payment thereof, the Treasurer of the County of Calaveras, shall cause to be prepared Bonds to the amount of twenty-one thousand dollars. In denominations of fifty dollars and five hundred dollars each, bearing interest at the rate of five per cent. per annum from the date of their issue. Said Bonds shall be payable at the office of said Treasurer, on the first day of January, one thousand eight hundred and sixty. The interest accruing on said Bonds shall be due and payable on the first day of January, next, after which time the interest shall be due and payable, on the first day of January of each year, until said bonds shall be paid and liquidated. Said bonds shall be signed by the County Judge, and countersigned by the County Recorder, and shall be

Issuing of Bonds.

Denominations.

When payable.

Interest.

Liquidation.

Form of Bonds.

endorsed by the Treasurer, and shall have the Seal of the County attached thereto.

Duty of Auditor
and Treasurer.

SEC. 2. It shall be the duty of the Auditor to furnish to the Treasurer a certified copy of the Book of Records, of Warrants issued, and it shall be the duty of the Treasurer to examine all Warrants received, and find if they are the true and correct ones issued according to the Auditor's book, and corresponding with the entries therein, and no others than those so corresponding shall be considered true and lawful Warrants to be funded, and it shall be the duty of the Treasurer and Recorder, of said County, each to keep a separate record of all such Bonds as may be issued, showing the number, date, and amount of said bonds, and to whom the same were issued.

Interest to be en-
dorsed on Bonds.

SEC. 3. When any interest shall be paid upon a bond, issued under the provisions of this Act, the County Treasurer shall endorse the same upon the said bond, and shall demand and receive from the person drawing such interest, a receipt for the same, which receipt shall be filed and be a proper voucher for said Treasurer.

Expense of Bonds

SEC. 4. The County Treasurer shall pay out of any moneys in the Treasury, not otherwise appropriated, any and all expenses that he may incur in having said bonds prepared; the sum so paid out not to exceed two hundred dollars.

Redemption of
County Warrants

SEC. 5. From and after the passage of this Act, all persons having any indebtedness of the said County of Calaveras, in the shape of Warrants, drawn by the Recorder of said County, upon the County Treasurer, shall, upon presentation to the said Treasurer, receive in exchange therefor, a bond or bonds, of the County of Calaveras, such as are provided for in the first section of this Act, *Provided*, that the amount so presented, shall not be less than fifty dollars, and *Provided*, that the said bonds to be issued, shall not be less than fifty dollars, nor for more than five hundred dollars each. The Treasurer shall endorse on the back of each bond or warrant, redeemed by him, the date on which he redeemed the same, and from whom received, and also keep a record of the same, giving the number, date, and amount, of the bond and warrant.

Duty of County
Judge and Re-
corder.

SEC. 6. It shall be the duty of the County Judge and Recorder, to attend, at least, once in each month, at the County Treasurer's Office, to examine all bonds and warrants received by the Treasurer as aforesaid, and cause the same to be registered and cancelled in such manner, as to prevent their being re-issued, or put in circulation.

Tax created for
payment of In-
terest.

SEC. 7. In addition to the ordinary taxes for general County purposes, there shall this year, and annually thereafter, until the principal and interest of the said bonds, to be issued, shall be fully provided for, by payment or otherwise, as hereinafter provided, be levied and collected in the same manner with the ordinary revenues of the said County, and by the same officers, a special tax

to be called the "Interest Tax" of fifteen cents on each one hundred dollars of taxable property, which tax shall be collected and paid over unto the County in the legal currency of the State of California, or in gold dust, at sixteen dollars an ounce. The fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for; *Provided*, however, that should said fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over, and paid into the Sinking Fund, herein provided for.

Fund.

SEC. 8. It shall be the duty of the County Treasurer, of said County of Calaveras, to make certain arrangements for the payment of the interest on the said bonds, when the same falls due, at least sixty days before the time of payment, and in event said interest fund is insufficient, the said Treasurer shall draw on the common or general fund, of said County of Calaveras, for such purpose, and in the event that those funds prove inadequate, the said Treasurer is authorized and required to make such contracts and arrangements, as may be necessary for the payment of said interest, and the protection of the faith of the County of Calaveras.

Duty of County Treasurer.

Interest.

SEC. 9. It shall be the duty of said Treasurer, to set apart a fund to be called the Sinking Fund of the County of Calaveras. Into this fund shall be paid, First, any and all surplus of the interest fund as aforesaid; Second, whatever surplus may remain in the Treasury of the said County of Calaveras, on the first day of August, one thousand eight hundred and fifty-two, and on the first day of May, every year thereafter; after paying the ordinary yearly expenses of the County; each of such payments to be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds as aforesaid, and when the same shall be paid and liquidated, the payment shall cease and all surplus remaining in said Sinking Fund, shall be paid into the common Treasury of the said County. Whenever at any time there shall be in the Sinking Fund, a sum of money, amounting to five thousand dollars or upwards, the County Treasurer shall advertise in a public newspaper, published in said County, for the space of two weeks, for sealed proposals for the redemption of said bonds. After the expiration of the time of publication, the Treasurer shall open the sealed proposals in presence of the County Recorder, and shall pay and liquidate said bonds presented, at the lowest value at which they may be proposed to be liquidated, *Provided* the same shall not be for more than the par value, and *Provided* whenever there may be sufficient in the Sinking Fund for the extinguishment of the debt of said County, it shall be the duty of the said Treasurer to advertise in some newspaper, published in the County, for the space of four weeks, for the redemption of the outstanding bonds of said County, as herein before provided, after which time the said bonds shall cease to bear any interest.

Sinking Fund.

How managed.

Liquidation of Bonds.

To advertise for proposals.

Record of Sinking Fund.

SEC. 10. Full and particular account and record of said Sinking Fund, shall be kept by said Treasurer, and shall at all times, be open to the inspection of the County Judge and Recorder of said County, and to any Committee appointed by the Grand Jury, or Court of Sessions of said County, and upon the demand of the Grand Jury of said County, the said Treasurer shall cause a concise statement of the condition and business of said fund, and of the amount of bonds issued, and to whom issued, to be published in one or more newspapers in said County.

Statement to be published.

Commencement of this Act.

SEC. 11. This Act shall take effect in thirty days from and after its passage, from which time it shall not be lawful for the Treasurer to pay or liquidate any of the present indebtedness of the said County, in any other manner than as herein provided, unless otherwise ordered by any future enactment.

APPROVED, May 3, 1852.

CHAPTER CIII.

AN ACT

To provide that the Treasurer of the County of Calaveras shall be Collector of Taxes for said County, until it shall be decided by the proper tribunal, who is Sheriff of said County.

Preamble.

Whereas, there is now existing in the County of Calaveras, a contest in reference to the Office of Sheriff of said County, which contest must be settled by the proper legal tribunal, and *Whereas* the settlement of such contest will consume much time, during which no collections can properly be made, and *Whereas*, it is necessary that the revenue laws of the State should be enforced, Therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County Treasurer to perform the duties of Sheriff, until the contest is settled.

SEC. 1. Until the contest, existing at this time in the County of Calaveras, concerning the Office of Sheriff, be definitely and legally settled and adjusted, the County Treasurer of said County, shall perform all the duties of said Sheriff, which pertain to the collection and return of State and County taxes, and said Treasurer is hereby invested with full power and authority, and it is made his duty to proceed under the revenue laws, and make the legal collections and returns in said County.

County Treasurer to give bonds.

SEC. 2. Before entering upon the prosecution of the duties imposed by the foregoing section, said County Treasurer shall give a Bond, which shall be in all respects as the Bond required

to be given by the Sheriff, under the revenue law of eighteen hundred and fifty-two.

SEC. 3. Whenever the Sheriff of the County of Calaveras shall have been duly recognized by the proper legal tribunal, and shall have duly qualified and filed the bond or bonds required by law, this Act shall cease, and the Treasurer shall hand over to said Sheriff all books and papers necessary to the collection of taxes.

Books and papers to be delivered to the Sheriff after decision is made.

SEC. 4. The Treasurer while performing the duties of collector under this Act, shall be liable to the same penalties and receive the same pay, as is provided for the Collector by law, and shall have power to appoint one or more deputies to aid in collecting revenue, for whose acts he shall be responsible.

Treasurer to receive the same fees as the Sheriff.

SEC. 5. This Act shall take effect from and after its passage.

Commencement of this Act.

APPROVED April 28, 1852.

CHAPTER CIV.

AN ACT

For the permanent location of the Seat of Justice, of the County of Calaveras.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. That from and after the passage of this Act, the seat of Justice for the County of Calaveras, shall be permanently located at the Moquelumne Hill, and that hereafter the seat of Justice of the County of Calaveras shall remain at that place until otherwise provided for by law.

Permanent location of the County Seat.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Commencement of this Act.

APPROVED, April, 16, 1852.

CHAPTER CV.

AN ACT

To change and define the boundaries of Contra Costa and San Joaquin Counties.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Former Act
amended.

SEC. 1. The tenth section of the Act entitled An Act dividing the State into Counties and establishing the seats of Justice therein, passed April twenty-fifth, one thousand eight hundred and fifty-one, which reads as follows: "County of Contra Costa,—beginning at the mouth of Alameda Creek and running to the south east corner of San Francisco County, to golden rock; thence up the middle of the Bay of San Pablo to the Straits of Carquinez; thence up the middle of said Straits and Suisun Bay, to the mouth of the San Joaquin river; thence up the middle of said river to the place known as the Picadero, or lower crossing; thence in a direct line to the summit of the coast range, at the head of the Alameda Creek; thence down the middle of said Creek to its mouth, which was the place of beginning. "The seat of Justice shall be at the town of Martinez," is hereby amended so as to read as follows: "The County of Contra Costa, beginning at the mouth of Alameda Creek, and running to the southeast corner of San Francisco County, to the golden rock; thence up the middle of the Bay of San Pablo to the Straits of Carquinez; thence up the middle of said Straits and Suisun Bay, to the mouth of the San Joaquin river, thence up the middle of San Joaquin river to the confluence of the West Channel of the San Joaquin river, with the main San Joaquin river, as laid down in Gibbe's map; thence up the middle of said West Channel to a point about ten miles below Moore and Rhodes's Ranch; at a bend where the said West Channel running downward, takes a general course north; thence due south in a direct line to the summit of the Coast Range; thence to the head of Mocho Creek, in a direct line; thence down the middle of said Creek to its confluence with Alameda Creek; thence down the middle of said Creek to the place of beginning; the seat of Justice shall be at the town of Martinez.

Boundaries and
Seat of Justice of
Contra Costa
County.

Former Act
amended.

SEC. 2. The twelfth section of the Act entitled "An Act dividing the State into Counties, and establishing the seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, which reads as follows: "The County of San Joaquin, beginning at the junction of the San Joaquin river, and the large slough, which is the outlet of the Mokelumne river, and

Dry Creek ; thence following up the middle of said slough to the mouth of Dry Creek, thence up Dry Creek, to the corner of Sacramento County ; thence south to a point one mile north of Lewison's Ranch, thence south to a point one mile north of Knight's ferry on the Stanislaus river, thence down the middle of the Stanislaus river, to its confluence with the San Joaquin river, thence due southwest to the summit of the coast range, thence in a northwesterly direction, following the summit of said range, to the southern boundary of Contra Costa County, thence in a northeasterly direction, following the boundary of Contra Costa County, to the San Joaquin river, thence down the middle of said river to the place of beginning ; the seat of Justice shall be at Stockton," is hereby amended so as to read as follows : " County of San Joaquin beginning at the junction of the San Joaquin river, and the large slough which is the outlet of the Mokelumne river and Dry Creek, thence following up the middle of said slough to the mouth of Dry Creek, thence up the middle of Dry Creek to the southeast corner of Sacramento County, thence in a southerly direction to a point one mile north of Lewison's Ranch, thence in a southeasterly direction to a point on the Stanislaus river, one mile north of Knight's ferry, thence down the middle of the Stanislaus river to its confluence with the San Joaquin river, thence due southwest to the summit of the coast range, thence in a northwesterly direction, following the summit of the said coast range, to the southeast corner of Contra Costa County, thence in a northerly direction, following the eastern boundary line of Contra Costa County, to a point on the west channel of the San Joaquin river, as laid down on Gibbe's map, about ten miles below Moore and Rhodes's Ranch, at a bend where the said west channel running downward, takes a general course north, thence down the middle of said west channel to its confluence with the main San Joaquin river, thence down the middle of the San Joaquin river to the place of beginning. The seat of Justice shall be at the city of Stockton."

Boundaries and
Seat of Justice of
San Joaquin
County.

APPROVED, February 14, 1852.

CHAPTER CVI.

AN ACT

Explanatory of An Act entitled "An Act to change and define the boundaries of Contra Costa and San Joaquin Counties, passed February fourteenth, one thousand eight hundred and fifty-two."

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Former Act
amended.

SEC. 1. The words "Lewison's Ranch," used in section two of An Act entitled "An Act to change and define the boundaries of Contra Costa and San Joaquin Counties," passed February fourteenth, one thousand eight hundred and fifty-two, shall be construed to mean "Lemon's Rancho."

APPROVED, February 28, 1852.

CHAPTER CVII.

AN ACT

To incorporate the Town of Oakland, and to provide for the construction of Wharves thereat.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Incorporation of
the town.

SEC. 1. The inhabitants of the district of country hereinafter described, are hereby declared to be incorporated under the provisions of "An Act to provide for the incorporation of Towns," passed March twenty-seventh, one thousand eight hundred and fifty, with the style of the "Town of Oakland," and by that name they shall have perpetual succession, may sue and be sued, and may purchase, receive and hold property for their common benefit, and sell or otherwise dispose of the same. The boundaries of said Town shall be as follows: On the northeast by a straight line at right angles with Main street, running from the Bay of San Francisco on the north to the southerly line of the San Antonio Creek or estuary, crossing Main street at a point three hundred and sixty rods northeasterly from "Oakland House," on the corner of Main and First streets, as represented on Portoi's map of "Contra

Boundaries.

Costa," on file in the office of the Secretary of State; thence down the southerly line of said creek or slough to its mouth in the Bay; thence to ship channel; thence northerly and easterly by the line of ship channel to a point where the same bisects the said northeastern boundary line.

SEC. 2. The corporate powers and duties of said town shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified Electors of said Town on the second Monday of May in each year, and shall hold office for the term of one year, or until their successors are qualified; *Provided*, that they shall receive no compensation for their services.

Corporate powers
Trustees, &c.

Term of office.

No compensation
allowed.

SEC. 3. The Board of Trustees shall have power to make such by-laws and ordinances as they may deem proper and necessary; to regulate, improve, sell, or otherwise dispose of the common property; to prevent and extinguish fires; to lay out, make, open, widen, regulate and keep in repair all streets, roads, bridges, ferries, public places and grounds, wharves, docks, piers, slips, sewers, wells and alleys, and to authorize the construction of the same, and with a view to facilitate the construction of wharves and other improvements the lands lying within the limits aforesaid, between high tide and ship channel, are hereby granted and released to said Town; *Provided*, that said lands shall be retained by said Town as common property, or disposed of for the purposes aforesaid; to regulate and collect wharfage and dockage; to secure the health, cleanliness, ornament, peace and good order of said Town; to organize and support common schools; to license and suppress dram shops, horse-racing, gambling houses, and houses of ill-fame, and all indecent or immoral practices, shows and amusements; to regulate the location of slaughter houses, stables, and places for the storage of gunpowder; and to pass such other laws and ordinances as in their opinion the order, good government and general welfare of the Town may require.

Power of Trustees.

The same.

Creation of ordinances.

SEC. 4. The elections and returns under this Act shall be regulated in the same manner as is provided in the said "Act to provide for the incorporation of Towns" for elections, when ordered by the Governor.

Elections, returns
&c.

APPROVED, May 4, 1852.

CHAPTER CVIII.

AN ACT

To declare Antonio Creek, in the County of Contra Costa, Navigable.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Not to be obstructed.

SEC. 1. The stream called San Antonio Creek, in the County of Contra Costa, is declared navigable, from its mouth to the old embarcadero of San Antonio, and no obstruction to the navigation thereof shall be permitted.

APPROVED, May 3, 1852.

CHAPTER CIX.

AN ACT

To authorize the Funding of the Debt of the County of El Dorado, and to provide for the payment of the same.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Commissioners of the Funded Debt.

SEC. 1. The County of El Dorado is hereby authorized to fund her debt as hereinafter prescribed and provided and for this purpose, the Board of Supervisors of the County of El Dorado are hereby constituted and shall be known as the Commissioners of the Funded Debt of the County of El Dorado, and as such, they and their successors shall have the powers hereinafter enumerated. The said Funding Commissioners, before entering upon the duties of their office, shall file a joint and several bond with the Court of Sessions of said County, which shall be approved by them, in the penal sum of sixty thousand dollars, requiring the prompt and faithful discharge of the duties of their office.

Commissioners empowered to issue Certificates of Stock.

SEC. 2. The Commissioners of the Funded Debt aforesaid, shall have power to issue, on the part of said County, Certificates of Stock, to be known as the El Dorado County Stock, for an amount equal to the aggregate amount of the entire debt of said County which shall be due, or the consideration whereof

shall have accrued, on or before the first day of May, in the year one thousand eight hundred and fifty-two, which said certificate shall be in such form as the said Commissioners shall prescribe, and shall be signed by each of said Commissioners then in office, and each and every certificate to purport in substance as follows, namely: That the County of El Dorado owes to the holder thereof a sum to be expressed therein; *Provided*, such sum shall not be less than ten dollars, bearing an interest of seven per cent. per annum, the said interest to be paid semi-annually at the County Treasury, at such specified time as the said Commissioners may see fit to direct upon coupons annexed to said certificates, and the principal sum to be redeemable within ten years after the date of such certificate; the coupons, for the payment of such interest according to the terms of such certificate, shall be signed by the President and Secretary of the said Board of Commissioners, and annexed to and delivered with each certificate; and such certificate, although not under the common seal of the County of El Dorado, shall be as valid and binding upon the said County as though the same were issued under its common seal.

Form of Certificate.

SEC. 3. The said Commissioners shall have power to exchange such certificates of Stock with creditors of said County who are entitled to the benefit of the provisions of this Act in extinguishment of an equal amount of the said debt.

Exchange for County indebtedness.

SEC. 4. The said Commissioners, previous to making out the general assessment list for the said County, in each and every year, shall certify and deliver to the County Assessors the amount which shall be necessary to be raised for the payment of the interest of the debt so funded, for the current year, and the said Assessors, in contemplating said assessment list, shall add to the amount which may be authorized by law to be raised thereon for other purposes; the amount so certified for the payment of such interest; also, the further sum of five thousand dollars, in each and every year, for the purpose of a sinking fund for the redemption of such indebtedness; the first moneys collected upon the whole of such general assessment list, when so completed, shall be paid by the collector thereof into the County Treasury, and by the County Treasurer into the hands of said Commissioners as fast as collected, and no payment shall, either directly or indirectly, be made out of moneys assessed or collected upon the said assessment list, for any other purpose until the amount authorized by this section to be assessed and collected shall have actually been paid over to said Commissioners. The Court of Sessions of said County shall not have power to make any order which shall prevent or hinder the immediate collection, in current coin or gold dust, at the current market value, in the County of El Dorado, of the amounts authorized to be raised by this section, or otherwise contravene the provisions of this section. The said Commissioners shall have the right at all times to inspect the books of the Treasurer, Assessor and Collector of said County.

Duty of Commissioners.

SEC. 5. The said Commissioners shall receive into their custo-

Interest to be paid

dy all the moneys which shall be levied and collected for the purposes of this Act, out of the same they shall pay the interest of said indebtedness, at the time and place where the same shall become due, and payable out of such portions of the principal debt as they may be able to obtain for that purpose as herein provided. They shall keep regular books of accounts and minutes of their proceedings, which shall be open at all times to the inspection of the people of the said County, and shall, within one month before the expiration of the fiscal year of said County, transmit to the Court of Sessions of the said County a statement verified by the oath of the President of said Board of Commissioners, showing the amount of moneys received and paid out by them, the expenditures by them made, the amount of Stock outstanding, and the amount redeemed within the current year, the condition of the moneys and funds in their hands, and how the same are invested and secured, which statement the said Commissioners shall cause to be forthwith published in a newspaper of said County, and if there be no paper published in said County, in a daily newspaper in Sacramento city.

Book and proceedings of Commissioners.

Redemption of Stock.

SEC. 6. At the time when the principal of said stock becomes redeemable, the said Commissioners shall devote the moneys in their hands to the redemption of the same; the said Commissioners shall, also, after discharging the trusts for which they are herein appointed, convey and restore to the County of El Dorado all the property, title and assets belonging to the same and remaining in their possession; the bonds required to be given, in section one of this Act, shall be renewed, from time to time, by order of the District Court having jurisdiction within the said County, for cause shown on the application of the said Court of Sessions, after previous notice to said Commissioners, and upon failure to comply with such order, the prosecuting attorney shall commence suit forthwith, as provided in section seven of this Act.

Enforcement of this Act.

SEC. 7. The District Court having original civil jurisdiction within the said County of El Dorado, shall have power to enforce obedience to the provisions of this Act, and for that purpose may issue process of *mandamus*, *distringas*, sequestration and attachment, and any public officer who shall wilfully violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be liable to indictment and punishment therefor.

Exchange of County indebtedness.

SEC. 8. Any person holding indebtedness of any character against the County, authorized by this Act to be funded, shall have the privilege of receiving in lieu thereof the seven per cent. bonds or certificates, as provided in section two, and the said Fund Commissioners are hereby authorized and directed to pay said bonds or certificates to such person or persons, at the rate of one hundred cents on the dollar, for every dollar of such indebtedness received.

Privilege of creditors.

SEC. 9. No creditors of the said County (the amount of whose claims against the said County shall be audited and ap-

proved at the time of the passage of this Act,) shall be entitled to the benefit of the provisions of the same, unless he shall signify his election to exchange such claims for said certificates within ninety days after the passage of this Act, and for such claims such certificate shall be issued for the amount due thereon, at the time of the passage of this Act, and bearing date as of that day; and in case any claims against the said County which may be entitled to the benefit of the provisions of this Act, shall not be audited and approved at the same time of the passage thereof, but shall thereafter be audited and approved, then the same shall be presented for exchange as aforesaid, within ninety days after such liquidation, and upon being so presented, such certificate shall be issued for the amount then due thereon, and bearing date as of the day of such presentation, and if not so presented, the same shall not be entitled to the benefit of the provisions of this Act.

SEC. 10. Whenever the said Commissioners of the Funded Debt shall have surplus moneys in their hands for the extinguishment of any portion of the said principal stock, as hereinafter provided, they shall publicly advertise for at least one month in some newspaper printed in the County of El Dorado, for sealed proposals for the surrender of portions of said stock, and shall state in such advertisement the amount of money which they have in their hands for that purpose, and they shall accept those proposals which shall secure the cancelling of the greatest amount of said stock and of annual interest thereafter to accrue on the same, reference being had to the rate of interest payable on such stock; *Provided*, that no stock shall be purchased at a higher price than par.

Surplus moneys.

To liquidate original debt.

SEC. 11. This Act shall be construed as follows, viz: The interest to be paid semi-annually, shall be paid from the revenues of the County; the five thousand dollars sinking fund shall also be set apart from the same sources; the current expenses of the County shall next be paid from the said County revenue, and then and in that case, if there are any surplus moneys in the County Treasury, it shall be the duty of the Commissioners of the Funded Debt to appropriate the same as provided for in section ten of this Act.

Payment of interest.

Revenue of the County.

SEC. 12. Each and every County in this State desiring to avail itself of the provisions of this Act, may proceed to vote at any election which may be ordered by the Court of Sessions for such purpose upon the question; for this purpose the judges of the election shall procure a separate box in which the ballots shall be deposited, upon each ticket shall be printed or written the words, "For Funding the County Debt," or "Against Funding the County Debt." The number of votes thus cast shall be certified to the proper officer, to be canvassed in the same manner as is by law provided in other cases; should a majority of all the votes cast for and against funding such debt, be in favor of funding, it shall be the duty of the County Clerk to give notice to the Board of Supervisors within ten days, and it shall be their duty to

Other Counties may avail themselves of the provisions of this Act to fund their debt.

proceed to fund the debt of said County, in accordance with the provisions of this Act.

Certain conflict-
ing sections re-
pealed.

SEC. 13. So much of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and eighteenth section of an Act entitled "An Act concerning the Office of County Treasurer," as conflicts with the provisions of this Act, be and the same is hereby repealed; *Provided*, that such repeal shall not be so construed as to effect any other County than El Dorado, and such County as may desire to fund its debt, agreeably to the plan laid down and provided in this Act.

Commencement
of this Act.

SEC. 14. This Act shall be in force from and after its passage.

APPROVED, May 1, 1852.

CHAPTER CX.

AN ACT

Supplementary to "An Act to Incorporate the city of Los Angeles," passed April fourth, one thousand eight hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries to be
changed by the
electors.

SEC. 1. The boundaries of the city of Los Angeles shall be so changed as to embrace within its limits all the lands belonging to the former Pueblo de Los Angeles, *Provided*, that a majority of the electors, resident on the lands aforesaid, situated without the present city limits, shall unite in an application to the County Court, praying for the change of boundaries aforesaid.

Provisions of
former Act not
to apply.

SEC. 2. All the provisions of the Act to provide for the Incorporation of cities, passed March eleventh, one thousand eight hundred and fifty, shall be observed in the change of boundaries aforesaid, except that the limitation to four square miles, shall not apply to the city of Los Angeles."

Powers of the
Common Council.

For a supply of
water. &c.

SEC. 3. The Common Council shall have power, and it is hereby made their duty to pass ordinances providing for the proper distribution of water for irrigating the city lands; to impose and collect taxes; to impose and collect fines for breach of ordinances, and to do all necessary acts for the purpose aforesaid.

Mayor to perform
the duties of Re-
corder.
Fees. &c.

SEC. 4. The Mayor, when acting as Recorder, shall receive the fees allowed by law to Justices of the Peace, for similar services; also such fees for trial of breaches of city ordinances, as the Common Council shall determine and an annual salary, not to exceed five hundred dollars; and no member of the Common Council

shall receive any salary, fee, or emolument, for services, directly or indirectly. Amount of salary of Mayor.

SEC. 5. A majority of all the members elected to the Common Council, shall be necessary to pass a resolution or ordinance appropriating money, creating a debt, or in any wise increasing or diminishing the city revenue, and on the passage of such a resolution or ordinance the ayes and noes shall be entered on the journal. Powers of the Common Council. Ayes and noes to be entered on the Journal.

SEC. 6. No Warrant drawn on the Treasury shall be paid unless countersigned by the Mayor. Treasury Warrants to be countersigned by the Mayor.

SEC. 7. The direct taxes imposed by the Common Council, in any one year, shall not exceed one quarter of one per centum of the valuation of property within the city. Taxes shall not exceed one quarter of one per ct.

SEC. 8. Whenever a direct tax is imposed, the Common Council, as soon as the Assessor's list is completed, shall, after a public notice of at least five days, hold a special session, to hear any complaints against the valuation of the Assessor. Council to correct Assessor's list.

SEC. 9. So much of the "Act to incorporate the city of Los Angeles," passed April fourth, one thousand eight hundred and fifty, and also of "An Act supplementary to "An Act to incorporate the city of Los Angeles," passed April fifth one thousand eight hundred and fifty-one, as conflict with the provisions of this Act, be and the same are hereby repealed. This Act shall be in force from and after the third day of May next. Portions of former Act to be repealed. Commencement of this Act.

APPROVED, May 1, 1852.

CHAPTER CXI.

AN ACT

To extend the time of the acting Treasurer of Mariposa County, to make his returns.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The acting Treasurer of Mariposa County, of this State, is hereby allowed until the first day of July, one thousand eight hundred and fifty-two, to make his final settlement with the Comptroller of State, for State revenue collected by him, for the year one thousand eight hundred and fifty-one; all sales of real or personal property, for State or County taxes, that may be made by the acting Treasurer of said County, up to the fifteenth day of June, one thousand eight hundred and fifty-two, be and the same are hereby legalized; *Provided*, nothing herein contained shall be construed to release the sureties of said Treasurer, or to delay or hinder them in the enforcement of any remedy they may have. Time for making returns extended. Sales of Real Estate confirmed.

Previous collections not included against their principal; *Provided*, further that this Act shall not be construed to embrace or apply to any funds collected before the passage of this Act, or now in the hands of the said Treasurer.

APPROVED, March 29, 1852.

CHAPTER CXII.

AN ACT

Repealing the charter of the city of Nevada, and to provide for the disposition of the property and payment of the debts of said city.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Former Act of Incorporation repealed.

SEC. 1. That An Act entitled "An Act to incorporate the city of Nevada," passed March thirteenth, one thousand eight hundred and fifty-one, be and the same is hereby repealed.

County Judge to appoint a Commissioner.

SEC. 2. There shall be appointed by the County Judge of Nevada County, a Commissioner, who shall be a resident and householder of the city of Nevada, and who shall give Bonds to the County of Nevada, for the faithful discharge of his duties, in such sums, and with such securities, as may be fixed and approved by the Judge of said county.

Duty of Commissioners.

SEC. 3. The Commissioner provided for by the second section of this Act, shall take charge and dispose of all property belonging to the city, and hold the proceeds arising from the sale or disposition of the same, in his hands subject to the order of the Court of Sessions of said County, as hereinafter provided. He shall also give thirty days notice, from the time of his appointment, to all persons having Scrip, orders, or other evidences of debt, against said city, to present the same, duly authenticated or proven, and all claims so presented and allowed, by said Commissioner, shall be registered in a book to be kept by said Commissioner, with the name or names of the holders, amount of the claim, and date of its presentation.

Notice to be given.

Report and schedule shall be filed with the Clerk of the Court.

SEC. 4. At the expiration of the thirty days notice, required by the third section of this Act, said Commissioner shall make and file with the Clerk of the Court of Sessions, of said county, a full Report of the amount of indebtedness of said city, and also a schedule of the property remaining unsold at the time of the filing of said Report.

Special tax.

SEC. 5. The Court of Sessions shall at its first meeting, after the filing of the Commissioner's Report, or as soon thereafter as the city property is disposed of, proceed to assess and levy a spec-

ial tax, upon the property holders of said city, in accordance with the provisions of the general law for the assessment of taxes, sufficient, with the proceeds of the sale of city property, to pay the debts of said city and such necessary expenses accruing under the provisions of this Act as may be allowed by the Court of Sessions.

SEC. 6. The Commissioner shall assess and collect the taxes provided for in the fifth section of this Act, and appropriate the same with all moneys that may come into his hands by the sale of city property, to the payment of the debts of said city, in such manner as may be directed by the Court of Sessions.

Commissioners to assess and collect Taxes.

SEC. 7. The Court of Sessions shall fix the compensation to be allowed the Commissioner for his services, and make such allowance to the Clerk of the Court, as may be just, not exceeding the amount allowed by the general law for similar services.

Compensation of Commissioners.

SEC. 8. This Act shall take effect and be in force from and after its passage.

Commencement of this Act.

APPROVED, February 14, 1852.

CHAPTER CXIII.

AN ACT

Explanatory of "An Act repealing the charter of the city of Nevada, and to provide for the disposition of the property and payment of the debts of said city," approved February fourteenth, one thousand eight hundred fifty-two.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The sixth section of An Act entitled "An Act repealing the charter of the city of Nevada, and to provide for the disposition of the property and payment of the debts of said city," approved February fourteenth, one thousand eight hundred and fifty-two, is hereby amended so as to read as follows : "The Commissioners shall assess and collect the taxes provided for in the fifth section of this Act, and appropriate the same with all the moneys, that may come into his hands by the sale of city property, to the payment of the debt of said city, in such manner as may be directed by the Court of Sessions.

Commissioners to assess and collect taxes and appropriate the same

SEC. 2. The fifth section of said Act, is hereby amended so as to read as follows : "The Court of Sessions, shall, at its first meeting, after the filing of the Commissioner's Report, or as soon thereafter as the city property is disposed of, proceed to assess and levy a special tax, upon the property holders of said city, in accordance with the provisions of the general law for the assessment of taxes ; and also in the same manner, if in their discretion

Court of Sessions to levy a special and poll tax.

they shall deem it necessary, proceed to levy a poll tax, of not exceeding two dollars, upon the citizens resident in said city, which together shall be sufficient, with the proceeds of the sale of city property, to pay the debts of said city, and such necessary expenses accruing under the provisions of this Act, as may be allowed by the Court of Sessions.

Commencement
of this Act.

SEC. 3. This Act shall be in force from and after its passage.
APPROVED, April 19, 1852.

CHAPTER CXIV.

AN ACT

Amendatory of the twentieth Section of An Act entitled "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Former Act
amended.

County of Nevada—its boundaries and Seat of Justice.

SEC. 1. Section twenty of an Act entitled "An Act dividing the State into counties and establishing the seats of justice therein," approved April twenty-fifth, one thousand eight hundred and fifty-one, which reads as follows: "County of Nevada—beginning at a point in the middle of Yuba river opposite the mouth of Deer Creek, and running thence up the middle of Yuba river to a point opposite the mouth of the middle branch of Yuba; thence up the middle of said middle branch, ten miles from its mouth; thence easterly in a straight line to the boundary of the State; thence south along the boundary line of the State, to the northeast corner of Placer County; thence westerly on the northern line of Placer County to the source of Bear Creek; thence down Bear Creek to a point due south of the junction of Deer Creek and Yuba river; thence north to the place of beginning. The Seat of Justice shall be at Nevada city;" is hereby amended so as to read as follows: "County of Nevada—beginning at the point in the middle of Yuba river opposite the mouth of Deer Creek, and running thence up the middle of Yuba river to a point opposite the mouth of the middle branch of Yuba; thence up the middle of said middle branch twenty miles from its mouth; thence easterly in a straight line to the boundary of the state; thence south along the boundary line of the State, to the northeast corner of Placer County, to the source of Bear Creek, thence down Bear Creek to a point due south of the junction of Deer Creek and Yuba river; thence

north to the place of beginning. The Seat of Justice shall be at Nevada city.

SEC. 2. This Act shall take effect from and after its passage. Commencement of this Act.

APPROVED, April 24, 1852.

CHAPTER CXV.

AN ACT

Amendatory of the twentieth section of "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The twentieth section of "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, which reads as follows: "County of Nevada:—Beginning at the point in the middle of Yuba River, opposite the mouth of Deer Creek, and running thence up the middle of Yuba River to a point opposite the mouth of the middle branch of Yuba, thence up the middle of said middle branch ten miles from its mouth, thence easterly in a straight line to the boundary of the State; thence south along the boundary line of the State to the northeast corner of Placer County; thence westerly on the northerly line of Placer County to the source of Bear Creek; thence down Bear Creek to a point due south of the junction of Deer Creek and Yuba River; thence north to the place of beginning; the Seat of Justice shall be at Nevada city:" is hereby amended so as to read as follows: "County of Nevada:—Beginning at the point in the middle of Yuba River, opposite the mouth of Deer Creek, and running thence up the middle of Yuba River to a point opposite the mouth of the middle branch of Yuba River; thence up the middle of said middle branch to a point opposite the mouth of Wolf Creek; thence easterly in a straight line to the boundary of the State; thence south along the boundary line of the State to the northeast corner of Placer County; thence westerly on the northerly line of Placer County to the source of Bear Creek; thence down Bear Creek to a point due south of the junction of Deer Creek and Yuba River; thence north to the place of beginning: the Seat of Justice shall be at Nevada city."

Former Act amended.

Former boundaries of Nevada County.

New boundaries.

Seat of justice.

SEC. 2. This Act shall be in force from and after its passage. Commencement of this Act.

Section of former
Act repealed.

SEC. 3. An Act amendatory of the twentieth section of an Act entitled "An Act dividing the State into Counties and establishing the Seats of Justice therein," approved April twenty-fourth, one thousand eight hundred and fifty two, is hereby repealed.

APPROVED, May 3, 1852.

CHAPTER CXVI.

AN ACT

Amendatory of the twenty-fifth section of an Act entitled "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Former Act
amended.

SEC. 1. The twenty-fifth section of the Act dividing the State into Counties and establishing the Seats of Justice therein," which reads: "County of Napa:—Commencing in the Napa River, at the mouth of Suscol Creek, and running up said Creek to the point of said Creek nearest to the range of mountains dividing Napa Valley from Suisun Valley, and thence in a direct line to the nearest point of said range; thence along the summit of said range northwardly to its northern extremity; thence due north to the fortieth parallel of north latitude; thence due west twenty miles; thence southwardly to the nearest point of the range of mountains dividing Napa Valley from Sonoma Valley; thence southwardly along said range of mountains to its termination in the Carnero Mountains; thence in a direct line to the nearest point of Carnero Creek; thence down said Creek to its junction with Napa River, and thence to the place of beginning: the Seat of Justice shall be at Napa city," is hereby amended so as to read as follows: "County of Napa:—Commencing in Napa River, at the mouth of Suscol Creek, and running up said Creek to the point of said Creek nearest to the range of mountains dividing Napa Valley from Suisun Valley; thence in a direct line to the nearest point of said range; thence in a northerly direction to the east side of Chimilles or Corral Valley; thence in a direct line to the east side of Berryellessa Valley; thence along the eastern side of said Valley to the northern end of said Valley; thence in a northwesterly direction to the outlet of Clear Lake; thence up the middle of said Lake to its head; thence in a westerly direction to the northeast corner of Sonoma County;

Boundaries of
Napa County and
Seat of Justice.

thence south along the eastern line of said County to the place of beginning: the County Seat shall be at Napa city."

APPROVED, April 16, 1852.

CHAPTER CXVII.

AN ACT

To legalize the acts of the Court of Sessions of Napa County.

The People of the State of California, represented in Senate and Assembly do enact as follows:

SEC. 1. That the acts of the Court of Sessions of Napa County, at the May and October Terms, one thousand eight hundred and fifty-one, in relation to the granting to John B. Harrell a charter to construct a bridge across Napa River, opposite Napa city, be and the same is hereby confirmed.

Charter to construct bridges confirmed.

APPROVED, May 3, 1852.

CHAPTER CXVIII.

AN ACT

Supplemental to an Act entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein."

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. County of Pautah: Commencing at the northeast corner of Sierra County, thence in a southeasterly direction to the northeast extremity of Pyramid Lake; thence in a southeast line to the northwestern boundary of Carson Lake; thence running south to the eastern border of Walker Lake, following said border to the southern limit of said Lake; thence in a southwesterly direction to the southeast corner of Calaveras County; thence following the eastern boundary of Calaveras, El Dorado, Placer, Nevada and Sierra Counties to the place of beginning. The Seat of Justice shall be at Carsonville.

Boundaries of Pautah County and seat of justice

SEC. 2. This Act shall take effect when the Congress of the United States shall cede to the State of California the territory described in the first section of this Act.

When to take effect.

APPROVED, May 3, 1852.

CHAPTER CXIX.

AN ACT

For the repeal of an Act entitled "An Act to authorize the Court of Sessions of Sacramento County to borrow money."

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Former Act re-
pealed.

SEC. 1. That the Act entitled "An Act to authorize the Court of Sessions of Sacramento County to borrow money," passed May first, one thousand eight hundred and fifty-one, be and the same is hereby repealed.

APPROVED, March 27, 1852.

CHAPTER CXX.

AN ACT

Amendatory of an Act entitled "An Act to Incorporate the City of Sacramento."

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Former Act
amended.

SEC. 1. The sixteenth section of the Act entitled "An Act to Incorporate the City of Sacramento," which became a law in the year one thousand eight hundred and fifty-one, and which reads as follows: If, in the opinion of the Common Council, more money shall be required for the necessary purposes of the Municipal Government of said city than is authorized to be levied and collected, as above specified, it shall be the duty of said Council to inform the Mayor who shall issue his proclamation to the people, stating the amount thus required, and the purposes and objects for which it is to be expended, at least ten days before the same shall be voted upon by the qualified electors of the city, and if they shall, by a majority of votes, authorize the collection of said sum, the said sum shall be collected, and not otherwise, is hereby amended so as to read as follows: "Section sixteen. If, in the opinion of the Common Council, more money shall be required for Municipal purposes than is authorized to be levied and collected, as above specified, it shall be the duty of the

Additional ex-
penditures.

Common Council to inform the Mayor, who shall issue his proclamation to the people, stating the amount of money thus required, and the purposes and objects for which it is to be expended, at least ten days before the question shall be voted on by the qualified electors of the city, and on the day of election the electors may prescribe by their votes the manner in which the said amount shall be raised, whether by collection during the current year, or by loan. If a majority of votes authorize the collection or loan, the said sum shall be collected, or borrowed, as the case may be, but not otherwise. Whenever a loan is authorized to be made, the Common Council shall have power to effect the same for a term not less than five nor more than thirty years, at a rate of interest not exceeding ten per cent. per annum; and if necessary, may levy and collect an additional tax sufficient to meet the interest to accrue upon said loans; *Provided*, always, the Common Council shall reserve to itself the right to redeem and call in such loan, or any portion thereof, at any time, by giving at least ninety days public notice in one of the public journals published in the city of Sacramento.

Mode of creating additional loans.

Councils to effect the Loan.

Liquidation.

SEC. 2. The Common Council shall have power to pledge the faith and credit of the city of Sacramento for the payment of the principal and interest of any money borrowed under this Act, and in pursuance of a vote of the poll of said city.

The faith and credit of the city pledged.

SEC. 3. That section seventh of said Act shall be and is hereby amended to read as follows: The said City Council shall have power to make by-laws and ordinances not repugnant to the Constitution and Laws of the United States or of this State; to prevent and remove nuisances; to provide for licensing, regulating or restraining theatrical and other amusements; to fix and collect a license tax on all theatres, or other places of amusement; trades, professions, and business not prohibited by law, having regard to the amount of business done by each person or firm thus licensed; to license gambling houses or tables; to establish and regulate markets; to establish a Board of Health; to cause the streets to be cleaned and repaired; to provide for the making and improving of sidewalks, and the regulation thereof; to impose for the benefit of the city, fines, penalties and forfeitures for breaches of city ordinances; to provide for the punishment of breaches of the city ordinances, and to determine what are nuisances; but no fine shall be imposed of more than five hundred dollars, and no offender be imprisoned for a longer term than sixty days; to levy and collect taxes; to lay out, extend, alter or widen streets and alleys; to alter, improve, keep and repair and have full control of the levee; to establish and regulate a police, to be subject to the supervision of the Mayor; to make appropriations for any object of city expenditure; to erect and maintain Poor-Houses and Hospitals for the support of the indigent, sick and insane; to prevent the introduction and spread of diseases; to erect, repair and regulate wharves, and the rates of wharfage, whether wharves are constructed or not; to regulate the landing and stationing of

Powers invested in Council.

Ordinances.

steamboats, rafts, and all water craft or hulks, and to charge and collect such fees, tonnage, duties or tax upon such steamboats, rafts, water craft or hulks, as they shall deem proper to impose; and also to charge and collect for the occupancy of such landing or landings, berth or berths, as shall be assigned to the said steamboats, rafts, water craft or hulks, such fees or tax for such landing or landings, berth or berths, as the said Council shall impose; to provide for the prevention and extinguishment of fires, and to organize fire companies, and to regulate the storage of gunpowder and such other combustible materials as might endanger the city by fire. They shall have power to create a captain of police, and such other officers as they may deem necessary, and to prescribe their duties and compensation, subject to the provisions of this Act; to prevent and restrain any riot or disorderly assemblage in any street, house, or place of the city; and may by ordinance provide for the formation of a chain-gang, for persons convicted of crime; they shall fix a tariff of fees for the direction of all officers that may be by ordinance required; to charge and collect fees, specifying the fee which shall be charged for each particular item of service; and to pass such other by-laws and ordinances for the regulation and police of said city as they may deem necessary. All by-laws and ordinances shall be published in some newspaper printed in the city. This Act shall take effect from and after its passage.

Publication of
City Laws.

Commencement
of this Act.

APPROVED, April 28, 1852.

CHAPTER CXXI.

AN ACT

To authorize the Mayor and Common Council of the city of Sacramento to contract for supplying the city with Water.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

The city Council
to have power to
pass the necessary
ordinances.

SEC. 1. The Mayor and Common Council of the city of Sacramento are hereby authorized and empowered to contract, by special ordinance, in such manner and form as they may choose, with any association, person or persons, to supply the said city with Water. Any contract or contracts so made and entered into, shall be valid and binding in law.

APPROVED, May 3, 1852.

CHAPTER CXXII.

AN ACT

Creating the office of Clerk of the Recorder's Court of the city of Sacramento.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That the Recorder of the city of Sacramento may have power to appoint a Clerk, to be styled the "Clerk of the Recorder's Court," who shall be paid for his services by the Recorder, as he may agree with the said Clerk. Recorder may appoint a Clerk. Salary.

SEC. 2. The said Clerk, when so appointed, shall have power to issue all writs which the Recorder may order; to administer all oaths known to the law; to keep a Docket or Record of the proceedings of the said Court, and generally to do and perform all duties properly belonging to the office of Clerk of said Court. Powers and duties.

APPROVED, May 1, 1852.

CHAPTER CXXIII.

AN ACT

To Fund the Floating Debt of the County of San Francisco.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The County of San Francisco is hereby authorized to fund its floating debt, as hereinafter provided, and for this purpose S. R. Harris, F. D. Kohler, and Otto Frank, are hereby constituted and shall be known as the Commissioners for funding the floating debt of the County of San Francisco, with the powers hereinafter enumerated: they shall organize their commission by the appointment of a President and Secretary from their own body, and shall hold office until first day of July, one thousand eight hundred and fifty-three, when the commission shall cease and terminate. Appointment of Commissioners. Term of office.

SEC. 2. The said Commissioners shall have power to issue, on the part of said County, Certificates of Stock, bearing date as of the first day of July, one thousand eight hundred and fifty-two, Power to issue Certificates of Stock.

for an amount equal to the aggregate amount of the floating debt of the County of San Francisco, which shall be due, or the consideration whereof shall have accrued on or before the first day of May, one thousand eight hundred and fifty-two, (not to exceed however, the sum of four hundred thousand dollars,) said certificates shall be in such form as the said Commissioners shall prescribe, and shall be signed by each of the said Commissioners, and each and every certificate to purport in substance as follows, namely: That the County of San Francisco owes to the holder thereof a sum, to be expressed therein, not less, however, than one hundred dollars, bearing an interest of seven per cent. per annum. The said interest to be payable half yearly, upon coupons, annexed to such certificates and the principal sum to be redeemable within ten years after the date of such certificate, the coupons for the payment of such certificate, shall be signed by the Secretary of said Commissioners, and annexed to and delivered with each certificate.

Form.

Duty of Commissioners.

SEC. 3. It shall be the duty of said Commissioners to furnish to the County Assessor, within the ten days following the first day of July, one thousand eight hundred and fifty-two, a statement of the amount of Bonds issued in virtue of this Act, and of the amount of interest annually accruing on the same, and it shall be the duty of said Assessors in completing their assessment list to include the amount of said interest with other sums now authorized by law, to be raised thereon, and also, an additional assessment of one eighth of one per cent. to be set apart and appropriated in a manner as hereinafter provided for, for the gradual extinguishment of the certificates or bonds, issued in virtue of this Act.

Interest on bonds.

SEC. 4. Of the moneys received by the County Treasurer, arising out of the taxes annually assessed and collected, there shall be first set apart and exclusively appropriated an amount sufficient to meet the interest due on the bonds, by the Commissioners and no other payment shall be made from the County Treasury until such an amount is secured.

Duty of County Treasurer.

SEC. 5. On the tenth day of January, one thousand eight hundred and fifty-three, and thereafter, every six months, it shall be the duty of the County Treasurer, to appropriate all moneys in his hands, arising out of the one eighth of one per cent. authorized by this Act, to be assessed as a sinking fund, to the redemption of the bonds or certificates issued by the Commissioners, and he shall redeem said bonds or certificates by public auction, previously giving ten days notice thereof, in two newspapers published in San Francisco, the advertisement to set forth the amount in his hands for that purpose and he shall accept such bids as shall secure the cancellation of the greatest amount of stock.

Payment of interest.

SEC. 6. It shall be the duty of the County Treasurer to cause the interest; becoming due on the bonds issued by the Commissioners, to be paid at some respectable banking house in San Francisco; and he shall, prior to said interest becoming due,

deposit the money received for that purpose, as provided for in section four; *Provided*, no charge is made for such agency.

SEC. 7. Any person holding indebtedness of any character against the County of San Francisco, contracted for prior to the first day of May, one thousand eight hundred and fifty-two, and certified to by the present President of the Board of Supervisors of said County, as having been legally authorized, shall have the privilege of receiving, in lieu thereof, seven per cent. bonds or certificates, as provided for in section two: *Provided* said parties, holding evidences of the County's indebtedness, certified to as above, shall present them for funding at the office of the Commissioners within six months after the passage of this Act.

County indebtedness.

SEC. 8. On the tenth day of July, one thousand eight hundred and fifty-three, it shall be the duty of the Commissioners appointed by this Act, to turn over to the Board of Supervisors of the County all the books and papers belonging to the Commission, and all scrip and other evidences of the County indebtedness, (for which bonds have been issued,) duly cancelled, accompanied with a report, setting forth the amount of indebtedness cancelled by them, by issue of bonds, and the interest thereon, and the amount of bonds issued: *Provided*, that the three per cent. per month scrip shall not be certified nor funded until Courts of competent jurisdiction shall have decided said three per cent. scrip to be a legal debt against the County.

Duty of Commissioners.

SEC. 9. Upon completion of the duties imposed on the Commissioners by this Act, the Secretary shall be entitled to the sum of fifteen hundred dollars, which sum shall include all expenses of office rent and clerk hire; and the two other Commissioners shall be entitled to the sum of five hundred dollars each, and the County Treasurer is hereby directed and required to pay to the said Commissioners said amount out of the first moneys in his hands, also all the incidental expenses of the Board: *Provided*, the same does not exceed the sum of one thousand dollars.

Compensation of Commissioners.

SEC. 10. Any vacancies occurring in the Board, shall be supplied by others appointed by the Board of Supervisors of the County; and the Commissioners, before entering upon the duties of their office, shall give a joint and several bond in sum of twenty-five thousand dollars, for the faithful performance of the trust imposed on them, and deposit the same with the Board of Supervisors for the County.

Vacancies.

SEC. 11. The Board of Commissioners herein before appointed, shall immediately advertise in two or more public newspapers, for the surrender and liquidation of the three per cent. per month scrip; after the expiration of six months from the date of the advertisement, said scrip shall cease to bear interest.

Commissioners to advertise.

APPROVED May 4, 1852.

CHAPTER CXXIV.

AN ACT

Concerning the Salary of the District Attorney of San Francisco County.

The People of the State of California represented in Senate and Assembly, do enact as follows :

Salary of District
Attorney of San
Francisco.

SEC. 1. The salary of the District Attorney of the County of San Francisco, shall be five thousand dollars per annum, commencing on the first day of October, one thousand eight hundred and fifty-one.

Commencement
of this Act.

SEC. 2. This Act shall take effect from and after its passage, and so much of the Act passed March fifth, one thousand eight hundred and fifty, entitled "An Act concerning the Salaries of Officers," as affects the salary of the District Attorney of San Francisco County, and so much of the Act passed May first, one thousand eight hundred and fifty-one, "An Act concerning the salaries of Officers and pay of Members of the Legislature," as affects the salary of the District Attorney of San Francisco County, are hereby repealed.

Former Act re-
pealed.

APPROVED, April 23, 1852.

CHAPTER CXXV.

AN ACT

To ratify and confirm an Ordinance passed by the city of San Francisco on the eleventh day of June, one thousand eight hundred and fifty-one, authorizing Azro D. Merryfield and his assigns to introduce Water into the city of San Francisco.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Confirming city
ordinance author-
izing A. D. Merri-
field to supply the
city with water.

SEC. 1. That an Ordinance, passed on the eleventh day of June, one thousand eight hundred and fifty-one, by the city of San Francisco, authorizing Azro D. Merryfield and his assigns to introduce Water into the city of San Francisco, be and the same is hereby ratified and confirmed; and the Common Council of said city are hereby authorized to extend the time within which said work shall be completed.

Time extended.

APPROVED, May 3, 1852.

CHAPTER CXXVI.

AN ACT

To authorize the Common Council of the City of San Francisco to purchase or erect a City Hall.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The Common Council of the City of San Francisco, are hereby authorized and empowered to purchase or erect a suitable building for a City Hall for said City. *Provided*, the amount to be expended shall not exceed the sum of one hundred and twenty-five thousand dollars.

Authorized to purchase or erect a city hall.
Expense.

APPROVED, April 10, 1852.

CHAPTER CXXVII.

AN ACT

To amend An Act, entitled "An Act to establish Pilot Regulations for the Port of San Francisco," passed February twenty-fifth, eighteen hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. Section first of An Act to establish Pilots, and Pilot Regulations for the Port of San Francisco, passed February twenty-fifth, eighteen hundred and fifty, is hereby amended, to read as follows: It shall be the duty of the Governor after the term of office of the present incumbents has expired, to appoint and commission four persons to execute the office of Commissioners of Pilots for the port and harbor of San Francisco. Two of the persons so appointed shall be resident merchants, and two of said persons shall be experienced and resident ship-masters of San Francisco, who, together with the President of the Chamber of Commerce of the port of San Francisco, shall constitute a Board of Pilot Commissioners for the port and harbor of San Francisco. Said commissioners shall hold their office for the term of one year, and until their successors are appointed and qualified, unless sooner removed by the Governor. No such commissioner shall be at the same time an officer of said Cham-

Former Act amended.

Governor to appoint Commissioners.

Qualifications.

Term of office.

ber of Commerce, excepting the president, as hereinbefore provided.

Pay of Secretary
and auditing of
accounts.

SEC. 2. Section ninth of said Act is hereby amended to read as follows: The Secretary shall receive for his compensation such sum as the commissioners may deem just, not exceeding one hundred dollars per month for salary, rent of office, fuel, stationery, and all other expenses. The accounts of the Secretary and of the Board to be opened at all times during the hours of business to the inspection of the public, and the accounts of the Secretary shall be audited by the Board of Commissioners once in every month, and the accounts of the Board of Commissioners shall be audited semi-annually, and certificate thereof made by a committee of three, appointed by the Chamber of Commerce for that purpose; and said certificate shall be placed on file by the Secretary, subject to inspection by any person interested.

Pilots to be
licensed.

SEC. 3. Section twenty-first of the aforesaid Act, is hereby amended so as to read as follows: Not more than six pilots shall be in copartnership at any one time, but it shall be the duty of the commissioners to license as many pilots as may petition to be licensed. *Provided*, such petitioner shall have cruised six months on board one of the pilot boats in and about the harbor of San Francisco, and then passed an examination as provided in section twelve of this Act.

Who may be
licensed.

SEC. 4. *Provided* that any citizen of California who shall have commanded for the term of one year as master or mate of a square rigged vessel, sailing out of the port of San Francisco, shall be admitted without the service qualification required in this Act, on his giving satisfactory evidence to the commissioners of his practical acquaintance with the duties required in section twelve of this Act.

Application for
Pilots to be made
at the office of
the Commissioner

SEC. 5. Section twenty-eight of the aforesaid Act is hereby amended to read as follows: All applications for pilots for vessels outward bound shall be made at the office of the Commissioners, and the fee for pilotage shall then and there be paid, and the Secretary shall immediately pay over the same to the pilot upon his application therefor. The pilot who has brought a vessel into port, and given notice to the Secretary of the fact, shall have exclusive right to take her out, unless he has misbehaved during the time he had charge of such vessel; and every pilot having a right, or being entitled to take a vessel out as aforesaid, may do so in person or procure another pilot out of the boat to which he is attached, to attend for him on such outward bound vessel: *Provided*, that the said pilot or his agent shall present himself whenever said vessel is ready for sea. Any person who shall attempt to pilot out a vessel, not being entitled to do so, shall be liable to the pilot who had the right in the amount of pilotage due or paid for carrying her out.

APPROVED, April 27, 1852.

CHAPTER CXXVIII.

AN ACT

Regulating the Duties of Harbor Master of the Port of San Francisco.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The qualified electors of the City of San Francisco, shall at their annual charter election, elect by ballot a Harbor Master for the Port of San Francisco, who shall hold his office for one year from the first day of January next succeeding the election, or until his successor is qualified. Before entering upon the duties of said office, the Harbor Master shall execute a bond to this State, with two sufficient sureties, to be approved by the Mayor of said city, in the sum of ten thousand dollars, conditioned for the faithful and impartial fulfilment of the duties required by this Act, and shall also take an oath truly and faithfully to execute the same. Election by the people.

SEC. 2. If a vacancy occurs in the office of Harbor Master, it shall be filled by appointment by the Governor until the next regular election. Vacancy.

SEC. 3. The Harbor Master shall have power to appoint a deputy, for whose acts he shall be responsible on his official bond. Power to appoint a Deputy.

SEC. 4. The Harbor Master shall have full authority to regulate and station all ships, steamers, and other craft in the harbor of San Francisco, and to remove from time to time such ships, steamers, and other craft, as are not engaged in receiving or discharging cargo. As to the fact of their being fairly and *bona fide* employed in discharging or receiving cargo, the Harbor Master shall be the sole judge. But any party aggrieved by the decision of the Harbor Master, may bring suit against him for damages in the District or Superior Court, and shall have judgment according to the evidence. Duties of Harbor Master.

SEC. 5. If any master or other person having charge of any ship, steamer, or other craft, shall refuse or neglect to obey his directions, in any way pertaining to his regulations of the port, such master or other person so offending, shall forfeit and pay the sum of three hundred dollars, to be recovered with costs of suits before the Recorder of the city of San Francisco, by an action in the name of the Harbor Master, who shall be a competent witness in the case. All sums recovered under the provisions of this section, shall be paid over to the Treasurer of the State Marine Hospital, at San Francisco, for its use and benefit. Penalties for neglect.

SEC. 6. The Harbor Master shall have power to demand and receive from all masters, consignees, or owners of all vessels Fees.

entering the port of San Francisco, four cents per ton, to be computed from her register or enrollment at the custom house. *Provided*, that on all steamers and sail vessels, plying between San Francisco and other ports coastwise, the following fees and no other, shall be chargeable: On all under one hundred tons, two dollars; on all over one hundred and under three hundred tons, four dollars; on all over three hundred and under one thousand tons, eight dollars; and on all over one thousand tons, ten dollars.

Cases of collision.

SEC. 7. The Harbor Master is authorized and empowered to hear and determine any controversy in cases of collision, which may be submitted to him by consent of the parties interested; and when damages are allowed by him not exceeding three hundred dollars, his decision shall be final. For the determination of any such question he shall be entitled to the sum of ten dollars.

Fees payable within forty-eight hours.

SEC. 8. The fees of the Harbor Master shall be payable at his office, within forty-eight hours after the vessel has been entered at the custom house. If not paid within this time, double the amount of fees shall be charged, and may be recovered by action in the name of the Harbor Master in the Recorder's Court of the city of San Francisco, with costs of suit. When double fees are collected, one-half shall be paid over to the Treasurer of the State Marine Hospital, at San Francisco, for its use and benefit.

Penalty.

Harbor Master's duty.

SEC. 9. It shall be the duty of the Harbor Master to superintend and enforce the execution of all laws of this State and ordinances of the city of San Francisco, not conflicting with said laws in relation to the removal of obstructions from the harbor, the cleaning of the docks and wharves, and the prevention and removal of nuisances in or upon them. He shall take in charge all abandoned vessels, all sunken water craft, and all boats picked up adrift, and place the same in safety. After which, he shall advertise for one week the full particulars pertaining to the same, and require all parties interested to come forward and make good their claims within twenty days. If claimed within twenty days after the advertisement, such property shall be delivered to the owner on payment of all costs of securing and removing it. If not claimed within that time, or if the owner fails to pay said costs, such property shall be sold by the Harbor Master, and the proceeds, deducting all costs and expenses, shall be paid to the owner; or if not claimed, to the Treasurer of the State Marine Hospital, at San Francisco, for the use of the Hospital.

Conflicting laws repealed.

SEC. 10. The Act regulating the duties of Harbor Master of the port of San Francisco, and for other purposes, passed March eleventh, one thousand eight hundred and fifty, is hereby repealed. But this repeal shall not effect the right of the present incumbent of the office of Harbor Master, elected under said Act, to hold and enjoy said office, and to exercise the powers conferred, and to claim and receive the compensation allowed by this Act, nor to effect anything heretofore done or right acquired,

or action or proceeding commenced under the provisions of the Act which is repealed.

APPROVED, May 1, 1852.

CHAPTER CXXIX.

AN ACT

Providing for the erection of a Powder Magazine in San Francisco.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. B. F. Hailey is hereby authorized to erect, at his own expense, a Powder Magazine in the vicinity of San Francisco, at such a point or place as shall be sanctioned by the Mayor of said city; *Provided*, that the said Magazine may be used by the State of California free of all charges, for the deposit of such arms and ammunition as the Governor may direct to be stored therein.

B. F. Hailey authorized.

SEC. 2. That after notice of twenty days in the newspapers of said city having been given by the Superintendent of the Magazine, of the erection thereof, as provided for by this Act, no person shall keep in any one house or place, within said limits, more than five pounds of gunpowder at any one time, under a penalty of one hundred dollars for each offence.

Penalty for keeping gun powder.

SEC. 3. No person shall hereafter keep powder on sale within the limits of the city, without first obtaining a license of the City Comptroller, which he shall be entitled to have by the payment of one dollar, which shall go into the city Treasury, nor shall such person, after the erection of the magazine aforesaid, keep in any one store, building, or other place, more than twenty-five pounds of powder at any one time, and that shall be kept in a strong, iron, or copper chest, well secured and fastened, with the word, "Powder," distinctly painted upon it. The said chest shall always be kept within three feet of the main entrance of the place in which said powder is kept, so that, in the event of fire, it may be easily removed; moreover, it shall be the duty of every person obtaining license and selling powder, as aforesaid, to keep in a conspicuous place on the front of the building or place in which said powder is kept, a sign, with the words "*License to sell Powder*," painted upon it, and any person offending against any of the provisions of this Act, shall be fined not less than one hundred dollars, nor more than five hundred dollars, at the discretion of the Recorder of said city.

License for Vending.

SEC. 4. It shall be the duty of the captains of all vessels

Duty of Captains of vessels.

lying or arriving in the harbor of San Francisco, whose cargo consists in whole or in part of powder, to notify the Superintendent of the Magazine, within five days after his arrival, of the landing of the same at some convenient point, in order that it may be received and stored; and any captain wilfully disregarding this Act, shall be fined for each offence and for every day's continuance, at the discretion of the Recorder; for which fine, the vessel, her tackle and apparel shall be held responsible.

Fees of the Superintendent.

SEC. 5. It shall be the duty of the Superintendent, when requested so to do, to convey powder to and from the magazine, and for removing and delivering of the same, he shall be entitled to receive from the person or persons so ordering the same, the sum of twenty-five cents per keg, and for every month he shall keep the same, in the magazine aforesaid, he shall be entitled to receive the sum of twenty-five cents for each keg.

The Superintendent to give bond.

SEC. 6. The Superintendent of said magazine shall execute a bond to the State, to be approved by the Governor, for the benefit of the depositors, for the faithful discharge of his duties with two sufficient securities, in the sum of five thousand dollars, and it shall be his duty to give a receipt for all powder deposited with him.

Duty of persons to notify the Superintendent.

SEC. 7. It shall be the duty of all persons having a greater quantity of powder than is allowed by the preceding sections of this Act, in their possession, either in houses or vessels, to notify the said Superintendent within three days from the publication of the same, so that he may remove, or cause to be removed, all powder within the County of San Francisco, to such magazine as he may provide for the reception of the same; and all persons not complying with this section, shall pay a fine of one hundred dollars, or more, at the discretion of the Recorder.

Governor to appoint.

SEC. 8. The Governor shall appoint the Superintendent of the Powder Magazine, who shall hold his office for the term of two years.

Powers of the Common Council.

SEC. 9. The Common Council of San Francisco shall have power to authorize, by ordinance, the building of other Powder Magazines, and to appoint Superintendents. The owners of powder may store in either of the magazines, created by ordinance or law, paying the fees, herein allowed, to the Superintendent of the Magazine, in which the same is stored.

Commencement of this Act.

SEC. 10. This Act to take effect from and after its passage.

APPROVED, April 27, 1852.

CHAPTER CXXX.

AN ACT

Defining the duties of the Clerk of the Superior Court of the city of San Francisco.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Clerk of the Superior Court of the city of San Francisco may appoint one or more deputies, who shall have the same power in all respects as their principal; the appointment shall be in writing, signed by said Clerk, and shall be filed in the office of the Recorder of his County; he may revoke the appointment of any deputy at will, by writing, filed in the same office. Each deputy, before entering on his duties, shall take the oath of office, which shall be endorsed on his appointment.

The Clerk may appoint Deputies.

SEC. 2. The said Clerk may take from each of his deputies a bond, with sureties for the faithful performance of his duties; but the Clerk and his sureties, on his official bond, shall be liable for all the official acts of each deputy.

Bonds.

SEC. 3. All process issued by any Deputy Clerk, shall be issued in the name of the principal.

All process shall issue in name of the Clerk.

APPROVED, May 3, 1852.

CHAPTER CXXXI.

AN ACT

To provide for Funding the Debt of San Joaquin County, for the payment of the Interest thereon, and for the gradual liquidation of the debt.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Debt of San Joaquin County, consisting of all outstanding liabilities, County Warrants and Scrip, and all indebtedness of every nature whatsoever, remaining unpaid on the tenth day of May, one thousand eight hundred and fifty-two, may be funded in the manner prescribed in this Act.

Funding of the County debt.

Court of Sessions
to issue bonds.

SEC. 2. Within thirty days after the passage of this Act, the Court of Sessions of said County shall cause to be made out bonds for the amount of said outstanding indebtedness; the said bonds to be in sums of not less than ten dollars, nor more than one hundred dollars each. Every holder of County Warrants or Scrip, and all persons owning or representing, as agent or attorney, any claim or debt against the County which has been audited and allowed on or before the tenth day of May, one thousand eight hundred and fifty-two, by the proper authority, may present the same to the Court of Sessions of said County, within three months from the passage of this Act, in order that the same may be cancelled, and that bonds for the amount of said warrants, or other debt, may be issued in lieu thereof, by the Court of Sessions, to the holder, his agent or attorney. It shall be the duty of said Court of Sessions to issue, as herein contemplated, Bonds for the amount of all said Warrants, Scrip, and other proper evidence of debt so audited and allowed on or before said tenth day of May, one thousand eight hundred and fifty-two, in amounts not less than ten dollars, nor more than one hundred dollars. Said Bonds to be styled "San Joaquin County Bonds," and be signed by the Judge and Associate Justices of said Court, and countersigned by the County Treasurer. It shall be the duty of said Court to cause all such Warrants, Scrip, and other evidences of debt, for which Bonds shall be issued as herein provided, to be cancelled immediately after issuing Bonds therefor. Said Bonds shall bear an interest of ten per cent. per annum from the date thereof, the first payment to be made at the office of the County Treasurer on the first Monday of January, one thousand eight hundred and fifty-three, and thereafter semi-annually on the first Monday of July and the first Monday of January of each year. The said Court of Sessions shall fix the time for transacting the business herein specified, not less than five days in each month, and shall cause notice thereof to be given, at least ten days, in some newspaper published in said County.

Form.

Duty of Treasurer
and Recorder.

SEC. 3. It shall be the duty of the Treasurer and Recorder of said County, each to keep a separate record of all Bonds issued under the provisions of this Act, showing the number, date, amount of each, and to whom issued.

The payment
of bonds and
interest.

SEC. 4. To provide for the payment of the interest and principal of said Bonds, and to meet the annual current expenses of said County, a tax shall be collected in the manner and at the time provided by law, for levying, assessing and collecting the public revenue, upon all persons and property, and individual pursuits, made taxable, by the Act to provide for levying, assessing and collecting public revenue.

Amount of prop-
erty tax.

SEC. 5. The amount of property tax levied by this Act, shall be fifty cents on each one hundred dollars' worth of real and personal property within the County, also an additional tax of twenty-five cents on each one hundred dollars' worth of real and personal property within the County, which additional tax shall be designated "The San Joaquin County Interest Tax,"

and shall be paid in the legal currency of the State of California, or in gold dust at the standard market value.

SEC. 6. There shall also be collected in said County, for Poll tax. the purposes of this Act, a poll tax of two dollars; said poll tax to be levied upon all persons not by law exempt from such tax, and shall be levied and collected in the manner and at the time provided by law for levying and collecting a poll tax for State purposes.

SEC. 7. There shall be assessed by the Court of Sessions of Licenses. said County, a license tax upon all persons vending goods, wares and merchandise of foreign or domestic growth, or production, of not less than twenty dollars, nor more than two hundred dollars, for one year; also, upon all persons vending spirituous liquors, wines, or mixtures, or malt liquors, by retail, in less quantity than one pint, to drink where sold, a tax of not less than twenty-five, nor more than three hundred dollars, for one year; also, upon each travelling merchant, hawker and peddler a tax of not less than fifty nor more than two hundred dollars; for each caravan, menagerie, or other collection of animals, and for each exhibition of bull, bear, or cock fighting, and for racing, a tax of not less than twenty nor more than fifty dollars; for each show of any figures, rope or wire dancing, sleight of hand exhibition, or other exhibition for reward, a tax of not less than five nor more than ten dollars for each day or separate exhibition: also, upon all moneyed or stock corporations or private associations in said County, drawing an income or profit from their capital, whether the same be or be not incorporated, and whether the capital stock be located within or without the said County; and upon all ferries and toll bridges, a tax of not less than fifty nor more than three hundred dollars per annum.

SEC. 8. The tax provided for in the foregoing section of License tax. this Act, shall be denominated "The License Tax of San Joaquin County," and shall be regulated in amount in the discretion of the Court of Sessions, and may be made payable quarterly or yearly.

SEC. 9. The Treasurer of said County shall collect such County Treasurer to collect and his compensation. license tax as shall be assessed by the Court of Sessions, and his receipt therefor shall be filed with the County Auditor, who shall thereupon issue a license in proper form. The County Treasurer shall receive, as compensation, ten per cent. upon all moneys collected by him under this Act.

SEC. 10. Every person who shall transact or carry on any Penalties for not procuring license. business specified in section seven of this Act, without first procuring the license required, for each and every such offence shall be liable to an action in the name of the State, in any Court of competent jurisdiction, for the amount equal to double the amount of such tax, and when recovered, the same shall be paid into the County Treasury, and it is hereby made the duty of the District Attorney to prosecute the suits provided for in this section.

SEC. 11. It shall be the duty of the Auditor and Treasurer Duty of Auditor and Treasurer.

of the County to see that licenses are procured and paid for by those who should obtain the same under the provisions of this law, and whenever any one shall commence any business herein contemplated, without the necessary license, the District Attorney shall institute legal proceedings in the case.

Taxes made receivable in bonds.

SEC. 12. All taxes provided for in this Act, except the interest tax, are hereby made receivable in the Bonds that may be issued under the provisions of this Act, or in any and all Warrants or Scrip, or any other evidences of County indebtedness legally audited and allowed, and remaining unfunded and unpaid.

Interest.

SEC. 13. Of the amount of legal currency of the State, or gold dust, paid into the Treasury of the County under this Act, the interest shall first be paid on said Bonds, and the balance be applied by the Court of Sessions in payment of the current expenses of the County, and if any remain, shall be applied in such manner as said Court shall direct in payment of the Bonds, or outstanding Warrants, or Scrip.

The interest shall be endorsed upon the bond.

SEC. 14. When any interest shall be paid upon a Bond issued under the provisions of this Act, the County Treasurer shall endorse the same upon said Bond, and shall demand and receive from the person drawing such interest a receipt for the same, which receipt shall be filed, and be a proper voucher for said Treasurer.

Duty of County Judge and Recorder.

SEC. 15. It shall be the duty of the County Judge and Recorder to attend at least once in each month, at the County Treasurer's office, to examine all Bonds and Warrants received by the Treasurer as aforesaid, and to cause the same to be registered and cancelled in such manner as to prevent their being re-issued or put in circulation.

"Tax, or license tax."

SEC. 16. No other tax or license tax than such as are provided for in this Act, shall be levied, for County purposes, upon the citizens of San Joaquin County: *Provided*, fines, forfeitures and probate fees are not considered as coming under the head of "tax or license tax," in the meaning of this section.

Duty of Sheriff and his Fees.

SEC. 17. It shall be the duty of the Sheriff to collect all taxes levied under this Act, except license taxes. For collecting the poll tax levied by this Act, he shall be entitled to one dollar out of every ten dollars collected by him, and ten per cent. upon all other taxes collected by him under the provisions of this Act.

Conflicting laws repealed.

SEC. 18. All provisions of law contrary to the provisions of this Act are hereby repealed.

APPROVED, April 20, 1852.

CHAPTER CXXXII.

AN ACT

To Re-Incorporate the City of Stockton.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SEC. 1. The district of country in the County of San Joaquin, which is contained within the boundaries hereinafter described, shall be a city by the name of Stockton, and the inhabitants therein shall be a corporation under the name and style of "The Mayor and Common Council of the City of Stockton;" and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, complain and defend in all courts, and in all actions and proceedings; and may purchase, hold and receive property, real and personal within said city; may lease, sell and dispose the same for the benefit of the city; may provide for the use and regulation of all commons belonging to the city, and may have a common seal, and alter the same at pleasure: *Provided*, that they shall not purchase any real estate other than such lands or lots within the same as shall be necessary for the erection thereon of public buildings, or for the laying out of streets or public grounds, or as may be required for burial purposes.

Powers of the Mayor and Council.

SEC. 2. The boundaries of the City of Stockton shall be as follows: Boundaries—North by Flora street, East by Aurora street, South by Twiggs street, and West by Bragg and Tule streets. The said city may be divided into wards at the discretion of the City Council.

City boundaries.

ARTICLE II.

OF THE OFFICERS OF THE CITY AND THEIR ELECTION.

SEC. 1. The officers of the City of Stockton shall consist of one Mayor, ten Aldermen, one Treasurer, one Assessor, one Clerk, and one Harbor Master and one Marshal.

Officers.

SEC. 2. The Mayor, Alderman, Marshal, Harbor Master, Treasurer, and Assessor, shall be elected by the qualified electors of the city, and shall hold their offices for one year, and until their successors are elected and qualified.

Election by the people.

- Eligibility to office** SEC. 3. No person shall be eligible to any office under this charter who is not a citizen of the United States, and has not been a resident of the State one year, and of the City of Stockton six months previous to his election.
- When election is to take place.** SEC. 4. The election for Mayor and Aldermen, Marshal, Harbor Master, Treasurer, and Assessor, shall take place on the first Monday of May in each year. The Common Council shall appoint one Inspector and two Judges, and designate the place of opening the polls.
- Election returns.** SEC. 5. The provisions of the "Act regulating Elections," shall apply to the election of all officers under this charter, and the Inspector and Judges shall transmit to the City Clerk the returns of said election within five days after the same is held.
- Qualification of Voters.** SEC. 6. No person shall be entitled to vote at any city election, who is not a white male citizen of the United States, and who has not been a resident of this State one year and of the city six months previous to the election.
- Oath of officers.** SEC. 7. The Mayor and Aldermen, Marshal, Harbor Master, Treasurer, and Assessor, shall enter upon their duties the first Monday subsequent to their election. Before entering upon their duties they shall take the oath of office, which may be administered by any Judge or Justice.
- Council to elect a President.** SEC. 8. The Common Council, at their first meeting after the annual election, and at any other meeting when from any cause it may become necessary, shall elect a President from their own body, who shall preside at all their meetings when the Mayor is not present; and whenever there is a vacancy in the office of Mayor, or whenever the Mayor is absent from the city, or is unable from sickness or any other cause to discharge the duties of his office, the President shall act as Mayor, and possess all the powers and perform all the duties of the Mayor during such vacancy, absence or disability.
- Vacancies.** SEC. 9. When a vacancy shall occur in any office by death, resignation, removal or otherwise, the Common Council shall order a special election to fill such vacancy. The person elected to fill a vacancy shall hold his office for the residue only of the term of his immediate predecessor.
- Election of Clerk.** SEC. 10. The Common Council shall each year, within one month after the annual election, elect a Clerk, who shall hold office for one year, and until his successor is elected and qualified, unless previously removed for misconduct in office or neglect of duty.
- Subordinate officers.** SEC. 11. The Common Council shall have power to elect such other subordinate officers as they may deem necessary for the government of the city, and in all elections they shall vote *viva voce*.

ARTICLE III.

OF THE COMMON COUNCIL AND THEIR POWERS AND DUTIES.

SEC. 1. The Mayor and Aldermen of the city shall constitute the Common Council, which shall meet on the first Monday subsequent to the annual election, and at such other times as they shall by resolution direct. The Mayor may call special meetings at any time by written notice to each member, served personally, or left at his place of residence or business. At all meetings of the Common Council the Mayor when present shall preside.

Common Council.

Special meetings.

SEC. 2. A majority of the Common Council shall constitute a quorum for the transaction of business; but a smaller number may compel the attendance of absent members; and no tax or assessment shall be ordered except by a vote of a majority of all the members elected.

A quorum.

SEC. 3. In the proceedings of the Common Council each member present shall have a vote, except the Mayor, who shall have a casting vote when the votes of the other members are tied.

Casting vote of the Mayor.

SEC. 4. The Common Council shall determine the rules of their proceedings and the qualifications and election of their members.

Rules.

SEC. 5. The sittings of the Common Council shall be opened to the public, except when the interests of the city shall require secrecy; a journal of their proceedings shall be kept by the Clerk under their direction; and the ayes and noes on any question shall be taken and entered upon the journal at the request of any two members.

Sittings of Council shall be public.

SEC. 6. The Common Council shall have power within the city:—

Powers of Council.

First: To make by-laws and ordinances not repugnant to the Constitution and laws of this State.

Laws, &c.

Second: To levy and collect taxes on all property, real and personal, made taxable by law for State purposes, not exceeding one per centum per annum upon the assessed value of such property.

Taxes.

Third: To provide for the draining, grading, improvement and lighting of the streets, and the construction of sidewalks and bridges, drains and sewers, and the prevention and removal of obstructions on the sidewalks.

Improvements.

Fourth: To regulate the landing and stationing of steamers, vessels and boats, and to fix and collect a revenue tax for wharfage.

Wharfage tax.

Fifth: To provide for the removal of obstructions to the navigation of any channel or water course within the limits of the city.

Removal of obstructions.

Sixth: To provide for the prevention and extinguishment of fires, and to organize and establish Fire Companies.

Fire companies.

- Gunpowder, &c.** Seventh: To regulate the storage of gunpowder, tar, pitch, rosin, and other extremely combustible materials.
- Police.** Eighth: To regulate and establish a City Police.
- Nuisances.** Ninth: To prevent and remove nuisances.
- The same.** Tenth: To remove from the immediate vicinity of the inhabited parts of the city all slaughter-houses, hay-stacks, forges, and blacksmith shops.
- Licenses.** Eleventh: To license and regulate auctioneers, and taverns, bar-rooms, billiard-tables, bowling-alleys, theatricals, and other exhibitions, shows and amusements.
- The same.** Twelfth: To license, tax, regulate, prohibit and suppress tippling-houses, dram-shops, gaming and gambling-houses, hawkers, peddlers and pawnbrokers, and to suppress disorderly houses and houses of ill-fame.
- Public buildings.** Thirteenth: To provide for the erection of public buildings for the use of the city.
- Streets.** Fourteenth: To open, alter and widen streets and alleys.
- City Hospital.** Fifteenth: To establish a City Hospital and provide for the indigent sick.
- Loans.** Sixteenth: To borrow money and contract debts on the faith and credit of the city, but no loan shall be made or debt contracted for any sum exceeding five thousand dollars, including the amount of any previous indebtedness, without the consent of the electors of the city previously obtained. And when the Common Council desire to effect a loan or create a debt for a sum exceeding five thousand dollars, including the amount of any previous indebtedness, they shall submit a proposition for such loan or creation of such debt to the electors of the city, and shall cause such proposition to be published in one or more newspapers for at least one week before taking the vote on the same, and if a majority of the persons voting, vote in favor of such proposition, the Common Council shall have authority to effect such loan or create such debt, but not otherwise. The City Council shall in no case issue any scrip or other evidence of debt or orders on the treasury for larger amounts than there may be on hand to meet the demands.
- Scrip.**
- Riots.** Seventeenth: To prevent and restrain any riot or assemblage in any place, house or street of the city.
- Fines and imprisonment.** Eighteenth: To impose and appropriate fines, forfeitures and penalties for the breach of any ordinance, and to provide punishments for the breach of any ordinance; but no fine shall be imposed of more than five hundred dollars, and no offender shall be imprisoned for a longer term than thirty day.
- Attendance of members.** Nineteenth: To compel the attendance of absent members, to punish its members for disorderly conduct, and to expel members with the concurrence of two-thirds of the members elected.
- Accountability of officers.** SEC. 7. It shall be the duty of the Common Council to provide for the accountability of all officers and other persons elected under this charter, to whom the receipt or expenditure of the funds of the city shall be entrusted, by requiring from them sufficient security for the faithful performance of their duties or trusts, which security shall be given by them before entering

upon their respective duties. In case such security should become insufficient, additional security may be required; and if not given, the Common Council by a vote of two-thirds of the members, may declare the office vacant, and elect another person to supply the place.

Sec. 8. It shall be the duty of the Common Council to publish in one or more of the newspapers printed in the city, one month before the annual elections of city officers in each year for the general information of the citizens of Stockton, a full and detailed statement of the receipts and expenditures of the city, during the year ending on the last day of the month previous to that on which the publication is made; and in every such statement the different sources of the city revenue and the amount received from each, the several appropriations made by the Common Council, the objects for which the same were made, and the amount of money expended under each; the moneys borrowed and the debts contracted on the faith and credit of the city; the authority under which each loan was made, and the terms on which it was obtained, shall be clearly and particularly specified.

Receipts and expenditures.

ARTICLE IV.

OF THE POWERS AND DUTIES OF THE CITY OFFICERS AND THEIR COMPENSATION.

Sec. 1. It shall be the duty of the Mayor:

Duties of the Mayor.

First: To communicate to the Common Council, quarterly, a general statement of the situation and condition of the city in relation to its government, finances and improvements.

The same.

Second: To recommend to the Common Council the adoption of all such measures as he shall deem expedient relative to the police, security, health, cleanliness and ornament of the city and the improvement of its government.

The same.

Third: To countersign all warrants and licenses issued under orders or ordinances of the Common Council.

The same.

Fourth: To preside over the Common Council when present at their sittings.

The same.

ARTICLE V.

Sec. 1. It shall be the duty of the Mayor to sign all ordinances passed by the City Council, if he approves the same; but if he shall not approve any ordinance submitted to him, he shall return it with his objections in writing to the Council, who shall cause the same to be entered on the journal and proceed to reconsider the ordinance. If after such reconsideration, two-thirds of the members elect shall agree to pass the ordinance, it shall become a law. If any ordinance shall not be returned by

Ordinances to be signed by the Mayor

the Mayor within one week after it shall have been presented to him, it shall become effective as if he had signed it.

Duty of Aldermen.

SEC. 2. It shall be the duty of every Alderman of the city to attend the regular and special meetings of the Common Council, and act upon committees when appointed thereto.

Duty of the Treasurer.

SEC. 3. It shall be the duty of the City Treasurer to receive all moneys belonging to the city, and to keep an account of all receipts and expenditures in such manner as the Common Council shall direct; and he shall, whenever required by resolution of the Common Council, present to them a full account of such receipts and expenditures for any period designated in the resolution. All moneys drawn from the City Treasurer; shall be drawn in pursuance of an order of the Common Council, by warrant, signed by the Clerk, and countersigned by the Mayor or President of the Common Council; and such warrant shall specify for what purpose the amount designated therein is to be paid.

Moneys drawn.

Duty of Assessor.

SEC. 4. It shall be the duty of the City Assessor to prepare within such time as the Common Council shall direct, and present to them with his certificate of their correctness, a list of all the taxable property, real and personal, within the city, with a valuation thereof, and a list containing the names and occupations of all residents within the city; and to perform such other services in relation to the assessment of property in the city as may be required by the Common Council.

Duty of the clerk.

SEC. 5. It shall be the duty of the Clerk of the city to keep the corporate seal, and all the papers and documents belonging to the city; to file them in his office under appropriate heads; to attend the sittings of the Common Council, and keep a journal of their proceedings and a record of all their by-laws and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the Common Council, and affix the corporate seal to such licenses; to keep an accurate account in a suitable book, under the appropriate heads of expenditures, of all orders drawn on the Treasury, and all warrants issued in pursuance thereof; also to keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of the issue, the time for which the same were granted, and the sums paid therefor.

Duty of the city Marshal.

SEC. 6. It shall be the duty of the City Marshal to execute within the city and return all process issued and directed to him by the Justices of the Peace, or other legal authority within the city, and to arrest all persons guilty of a breach of the peace, or a violation of any ordinance of the Common Council, and take them before the Justice of the Peace or other legal authority within the city; to collect the taxes of the city, and to pay all moneys received into the Treasury, in pursuance of the ordinances of the Common Council.

Duty of officers.

SEC. 7. The Common Council shall define the duties of the officers elected by them, whose duties are not herein prescribed.

Compensation of Mayor and Aldermen.

SEC. 8. The Mayor and Aldermen shall not receive any salary or compensation for their services.

SEC. 9. The Marshal shall receive for his services a salary not exceeding the sum of fifteen hundred dollars per annum, and such fees as are allowed by law to constables for services in similar cases. Marshal's salary.

SEC. 10. The Harbor Master shall receive for compensation a commission, not exceeding five per cent., upon all moneys collected by him: *Provided*, such compensation shall not be less than fifteen hundred dollars per annum. Harbor Master's Salary.

SEC. 11. The Assessor shall receive (not exceeding) the sum of four hundred dollars for each assessment made by him, under the direction of the Council. Salary of Assessor.

SEC. 12. The Treasurer shall receive a salary not exceeding the sum of six hundred dollars per annum. Salary of Treasurer.

SEC. 13. The Clerk shall receive a salary not exceeding the sum of eight hundred dollars per annum. Salary of Clerk.

ARTICLE VI.

SEC. 1. The Justices of the Peace within the City of Stockton, shall have jurisdiction: First: Of an action or proceeding for a penalty, fine or forfeiture, imposed by any order of the Common Council. Second: Of proceedings respecting vagrants and disorderly persons. Jurisdiction of Justices.

SEC. 2. When in any case a Justice of the Peace shall exercise the jurisdiction conferred by this Act, he shall receive the same pay or compensation for his services from the city, as is allowed for similar services under the general laws of this State. Said compensation to be charged as costs, and in all cases of conviction to be made out of the property of the defendant, when the same can be done. Compensation.

SEC. 3. All proceedings and actions under this Act, before the Justices of the Peace within the limits of the city, shall be commenced by complaints, setting forth the violation of the ordinance, or the acts of vagrancy or disorderly conduct complained of, or the offence charged, with such particulars as to the offence, of time, place, person, or property, as to enable the defendant to understand distinctly the character of the offence complained of, and to answer the complaint; and all complaints shall be verified by the oath of the parties making them. To the complaint the defendant may plead, or he may answer or deny the same, such plea, answer, or denial may be oral or in writing, and immediately thereafter the case shall be tried, unless for good cause shown an adjournment be granted. Proceedings and actions.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

SEC. 1. Upon the passage of all resolutions and ordinances appropriating money, imposing taxes, abolishing licenses, in- Ayes and nays.

	creasing or lessening the amount to be paid for licenses, the ayes and nays shall be entered upon the journal.
Passage of resolutions or ordinances.	SEC. 2. A majority of all the members elected shall be necessary to pass a resolution or ordinance appropriating for any purpose the sum of five hundred dollars or upwards, or any ordinance in anywise increasing or diminishing the city revenue.
Alteration of charter.	SEC. 3. When at any time two-thirds of the Common Council shall deem it necessary to alter or repeal any portion of this charter, they shall submit the proposed alteration to the electors of the city, and publish the same for at least thirty days in one or more of the newspapers published in the city; and if a majority of all the persons voting, vote in favor of such alteration, the same shall be adopted: <i>Provided</i> , such alteration shall not extend to enlarging the corporate limits of the city, nor violate any general and State law.
Proviso.	
City Ordinances.	SEC. 4. The style of the city ordinances shall be as follows:—"The Common Council of the City of Stockton do ordain as follows;" and all ordinances shall be published in one or more of the newspapers printed in the city.
Repeal.	SEC. 5. The existing charter of the city of Stockton is hereby abolished.
Commencement of this Act.	SEC. 6. This Act shall take effect from and after its passage.
	APPROVED, April 21, 1852.

CHAPTER CXXXIII

AN ACT

To amend the fourth section of "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Former Act amended.	SEC. 1. The fourth section of "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows: "Section
Boundaries and Seat of Justice.	fourth. County of Santa Barbara:—Beginning on the coast of the Pacific, at the mouth of the Creek which divides that part of the Rancho of Guadalupe, called La Larga, from that part called Oso Flaco; thence up the middle of said Creek to its source; thence northeast to the summit of the Coast Range of mountains, the farm of Santa Maria, falling within Santa Barbara County; thence following the summit of said Coast Range to its intersection with the northwestern boundary of Los An-

geles County ; thence southwesterly, following the boundaries of Los Angeles County to the Ocean, and three miles therein ; thence in a northwesterly direction, including the Islands of Santa Barbara, San Nicolas, San Miguel, Santa Rosa, Santa Cruz, and all others in the same vicinity, to a point due west of the place of beginning ; thence to the place of beginning. The Seat of Justice shall be at Santa Barbara.

SEC. 2. The taxes upon that portion of the County of San Luis Obispo, which by this Act is annexed to the County of Santa Barbara, shall, during the year eighteen hundred and fifty-two, be assessed, in, and when collected, paid into the Treasury of the County of San Luis Obispo.

APPROVED, April 24, 1852.

CHAPTER CXXXIV.

AN ACT

Concerning the County Records of Santa Barbara County.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The County Recorder of Santa Barbara County, shall, as soon hereafter as possible, transcribe in such manner and into such books as are prescribed by section twelve of "An Act concerning County Recorders," passed March twenty-sixth, one thousand eight hundred and fifty-one, all Records and Indexes made or to be made in the books now used in his office. He shall note in the margin of the transcripts the name of the original volume and the number of the original page : the transcript shall have the same force and effect as the original Records. As soon as the transcripts are complete, the Recorder shall make no more records or indexes in the books now used by him. For services, under this Act, he shall be paid out of the County Treasury, at the rate of twenty cents for each hundred words transcribed. The original Records shall be carefully preserved in the office of said Recorder.

Recorder to transcribe County Records.

Transcript to have the same force as original.

Compensation.

APPROVED, March 22, 1852.

CHAPTER CXXXV.

AN ACT

Supplementary to "An Act to Incorporate the city of Santa Barbara," passed April ninth, one thousand eight hundred and fifty.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

In relation to fees.

SEC. 1. Neither the Mayor nor a member of the Common Council shall receive any salary, fees, or emoluments for his services as a city officer, except that the Mayor, when acting as a judicial officer in criminal cases, may receive the fees allowed by the laws of the State.

Misdemeanor.

SEC. 2. Neither the Mayor nor a member of the Common Council shall be directly or indirectly interested adversely to the city in any contract to which the city shall be a party. If any one shall wilfully violate the provisions of this section, he shall be deemed guilty of a misdemeanor.

License tax.

SEC. 3. The Common Council shall have no power to charge a license tax on any business or occupation, except such as under the laws of the State pay a license tax into the County Treasury. The license tax imposed by the Common Council on any business or occupation, shall not exceed fifty per centum of the County license tax actually imposed on such business or occupation.

Powers of
Common Council.

SEC. 4. The Common Council shall have no power to borrow money: the Common Council shall have no power to contract or create any debts or liabilities, which shall in the aggregate exceed the sum of five hundred dollars, unless it shall first appear, by the written certificate of the Treasurer, that there is actually in the Treasury moneys not otherwise appropriated, sufficient to meet and pay such debts or liabilities; and in such case, the debts or liabilities shall not be created or contracted until by an ordinance duly passed, there shall have been made a special appropriation of so much of such unappropriated moneys as shall be sufficient to meet and pay such debts or liabilities, and such special appropriation shall be irrevocable until the debts or liabilities so provided for shall be fully paid or satisfied. If any member of the Common Council shall knowingly and wilfully vote for any by-law, ordinance, resolution or order, in conflict with the provisions of this section, he shall be deemed guilty of a misdemeanor.

City revenue.

SEC. 5. A majority of all the members elected to the Common Council shall be necessary to pass a resolution or ordinance, appropriating money, creating a debt, or in anywise increasing

or diminishing the city revenue, and on the passage of such a resolution or ordinance, the ayes and noes shall be entered on the journal.

SEC. 6. No warrant drawn on the Treasury shall be paid, unless it be countersigned by the Mayor.

Warrants to be countersigned by the Treasurer.

SEC. 7. The direct taxes imposed by the Common Council in any one year, shall not exceed one quarter of one per centum of the valuation of property within the city.

Direct taxes.

SEC. 8. Whenever a direct tax is imposed, the Common Council, as soon as the Assessor's list is completed, shall, after a public notice of at least five days, hold a special session, to hear any complaints against the valuation of the Assessor.

Complaints against the valuation of Assessor.

SEC. 9. This Act shall be in force from and after the third day of May next.

Commencement of this Act.

APPROVED, March 22, 1852.

CHAPTER CXXXVI.

AN ACT

To change the times of holding the District Court in the County of Santa Clara.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The terms of the District Court of the third Judicial District, in Santa Clara County, shall hereafter commence on the first Mondays of February, May, August and November of each year.

Time of holding terms.

SEC. 2. The thirtieth section of the "Act concerning the Courts of Justice of this State and Judicial officers," approved March eleventh, one thousand eight hundred and fifty-one, is amended so as to read as follows: "Section thirtieth. - A general term of the District Court shall be held in the Counties of San Francisco, Sacramento, San Joaquin and Yuba, on the first Mondays of February, April, June, August, October and December of each year; and each general term shall be immediately followed by a special term. The time for holding the general terms in the other Counties, except the County of Santa Clara, shall be fixed by order of the District Court of the district embracing the County, on the first Monday of January of each year, which shall be entered on the minutes of the Court and published. The special terms shall follow immediately after the general terms, and in no organized County shall there be held less than three special terms in each year.

Former Act amended.

General term for San Francisco. For Sacramento, San Joaquin and Yuba.

Special term.

General terms in other counties.

Special terms in other counties.

Not to effect existing cases.

SEC. 3. Nothing in this Act shall affect any business now pending in the District Court for the County of Santa Clara, but the same shall be heard and determined at the next May term as if at the April term under the former law.

APPROVED, March 29, 1852.

CHAPTER CXXXVII.

AN ACT

To Incorporate the Town of Alviso.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Incorporation.

SEC. 1. The Town of Alviso, in the County of Santa Clara, is hereby declared to be incorporated under the provisions of the Act, entitled "An Act to provide for the Incorporation of Towns," approved March twenty-seventh, eighteen hundred and fifty, subject to the changes hereby expressly made.

Limits.

SEC. 2. The limits of the Town of Alviso shall include all the lands embraced within the limits of the several tracts of land, conveyed by Berryessa and wife, and by John Martin and wife, to Charles B. Marvin and Jacob D. Hoppe, and by James Alexander Forbes to K. H. Dimmick, Peter H. Burnett, R. B. Neligh, and Jacob D. Hoppe, all the deeds for which are of record in Santa Clara County.

Powers of Trustees.

SEC. 3. In addition to the powers conferred upon the Board of Trustees by the "Act to provide for the Incorporation of Towns," approved March twenty-seventh, eighteen hundred and fifty, the Board of Trustees of the Town Alviso, shall have power to levy and collect a wharfage tax upon all vessels trading there not to exceed fifteen cents per ton.

Amount of annual tax.

SEC. 4. The annual tax levied and collected by the Board of Trustees upon property in said Town, shall not exceed twenty-five cents on every hundred dollars of the assessed value thereof.

No compensation allowed.

SEC. 5. The members of the Board of Trustees shall receive no compensation for their services.

Time and manner of holding the election.

SEC. 6. The first election of a Board of Trustees shall take place on the first Monday of May next. The Judges of Election shall be chosen by the electors present, and shall deliver certificates of election to the persons chosen, and make their return to the Board of Trustees when organized.

APPROVED, March 26, 1852.

CHAPTER CXXXVIII.

AN ACT

To declare the Arroyo del Medo Navigable.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The *Arroyo del Medo*, in the County of Santa Clara, is declared navigable from its mouth to the upper line of the Town of New Haven; and it shall not be lawful for any one to obstruct the navigation thereof, nor for the Court of Sessions or Board of Supervisors of said County to authorize the construction of any bridge which may obstruct the navigation of said stream.

The river declared navigable.

Navigation not to be obstructed.

APPROVED, May 1st, 1852.

CHAPTER CXXXIX.

AN ACT

To repeal the Charter of the city of San Diego, and to create a Board of Trustees.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That an Act entitled "An Act to incorporate the city of San Diego," passed March twenty-seventh, one thousand eight hundred and fifty, be and the same is hereby repealed.

Former Act repealed.

SEC. 2. There shall be elected, by the qualified electors, residents of the present city, under the constitution and laws of this State, on the first Monday of March, one thousand eight hundred and fifty-two, *three Trustees*. The said election shall be conducted in all respects according to the provisions of the General Election Law of the State, and the three persons having the highest number of votes at said election, shall be declared duly elected, and the returns of said election shall be made to the Clerk of the County Court of San Diego County, within five days after said election.

Three Trustees shall be elected.

SEC. 3. The persons elected, shall be qualified electors in said city, and all contests of the said election shall be regulated by the General Election Law.

Qualified electors.

Trustees to take
oath of office and
enter into bonds.

SEC. 4. Said Trustees shall take an oath of office within six days after said election, and shall severally give bonds in the sum of five thousand dollars with two securities, payable to the inhabitants of the present city of San Diego, to be approved by the County Judge or District Judge of said District; and may be put in suit and recovered by and for the use of any person interested therein, and shall not become forfeited on a single recovery.

Terms of officers,
vacancies, &c.

SEC. 5. One of said Trustees shall be President of said Board, and one Treasurer thereof, and one Secretary, to be determined by themselves, and hold office for one year; and until successors are elected and qualified, and in case of a vacancy in said Board, the remaining members thereof shall have power, and it is hereby made their duty, to call an election and fill such vacancy, giving ten days notice thereof, and if said Board become entirely vacant by death, resignation or removal, then the County Judge of said County, or the Clerk of the County Court, shall order an election to fill said Board for the remaining part of the year.

Powers of
Trustees.

SEC. 6. Said Board of Trustees shall have power to adjust, settle and pay all debts due from the Mayor and Common Council of the city of San Diego, and collect all debts due said Mayor and Common Council, by suit or otherwise, and they shall succeed to all the rights of said Mayor and Council, for the use and benefit of the inhabitants of said city; and they shall settle and pay off all the debts of said city as soon as they can do so, according to the number of bonds or orders heretofore issued by said city, and for which purpose they shall have power to sell the public property of said city, for cash or city liabilities: *Provided*, however, that said Trustees shall make no difference in said sales or in payment of any kind of city property between cash and any kind of city liabilities; and further *Provided*, that said Trustees shall have no authority whatever to create any further debt on the part of said city.

Provido.

Provido.

City property
may be sold for
its debts.

SEC. 7. Said Board of Trustees shall sell as much of the property of said city as is necessary to pay its debts, giving at least ten days notice of any property to be sold, and continue the sale of same from time to time, until said debt is paid.

Taxes and
licenses.

SEC. 8. In the event of the city property not being sufficient to pay all the debts of said city, then said Board of Trustees shall have power to levy and collect a reasonable and moderate tax, to aid in paying such debt, and for that purpose they shall take the assessment roll of the County Assessor of said County, for their guide, and a certified copy thereof shall be a legal list and valuation of the taxable property in said city for that purpose. They shall also have power to grant licenses in said city permitted by the laws of this State, and fix such rates for such licenses as they may deem just and reasonable, and payable at such periods as County licenses are now paid under the license laws of this State.

Pay of Trustees.

SEC. 9. Said Trustees shall each receive, as a compensation

for their services, one-fourth of one per cent. on all moneys received by them, and no more.

SEC. 10. An election shall be held annually after the first election on the first Monday in March, for the election of three Trustees as aforesaid, to be conducted as provided in second and third sections of this Act. Elections, when to be held.

SEC. 11. When the debts of said city are paid, no more of the city property shall be sold, except by a vote of the inhabitants of said city, they shall be authorized to do so, nor shall any taxes be collected, nor licenses paid, unless by a vote as aforesaid: but said Trustees shall hold the property of the city for the sole use and benefit thereof. After debts have been paid.

SEC. 12. This Act shall take effect from and after the first Monday in March next. When to take effect.

APPROVED, January 30, 1852.

CHAPTER CXL.

AN ACT

Respecting the Trustees of the city of San Diego.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. The Trustees of the city of San Diego, created by the Act of the Legislature, approved the thirtieth day of January, eighteen hundred and fifty-two, be and they are hereby created a body corporate, under the style of "The President and Trustees of the City of San Diego," and by such corporate name and style may present before the Board of Land Commissioners, created by Act of Congress for the settlement of land titles in this State, or any Court before which it may be necessary to appear for the purpose of prosecuting or defending the right or claim which the city or Pueblo of San Diego may have to land known as the Common Lands of San Diego. Trustees created a body corporate. May appear and defend title to land.

APPROVED, April 28, 1852.

CHAPTER CXLI.

AN ACT

To create a Board of Supervisors for the County of San Diego, and to define their duties.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Board of Super-
visors.

SEC. 1. There shall be within and for the County of San Diego a Board of Supervisors, to consist of the Trustees of San Diego, as created by an Act, approved January thirtieth, one thousand eight hundred and fifty-two, and one member from each of the townships of said County, and shall hold office for one year, and until their successors are elected and qualified.

Election.

SEC. 2. The qualified electors of each township shall, on the last Monday of June next, and annually thereafter, elect one Supervisor.

Clerk and his
duty.

SEC. 3. The County Clerk shall be *ex officio* Clerk of the Board of Supervisors. He shall keep a record of their proceedings and all resolutions, Acts, and decisions, regarding the auditing of accounts, the raising or payment of moneys, shall be entered on the journal, and the vote of each member shall be recorded on every question; the books, papers, records and accounts of the Board shall be kept in the office of the County Clerk, and shall at all times be open to the inspection of any citizen of the County.

Time of meeting.

SEC. 4. The Board of Supervisors shall meet at the city of San Diego on the first Monday of July, October, January and April of each year, and whenever they deem it necessary for the interests of the County. At their first meeting, they shall apply to the Court of Sessions for the books and accounts of the County, and the Court of Sessions are hereby required upon such application to deliver over to said Board all books, vouchers and accounts appertaining to the County, together with an abstract account, showing the liabilities as well as credits of the County. It shall be the duty of the Board, which expires on the first Monday of July annually, to meet on said day, in order to deliver over to the Board elected, the accounts and vouchers, together with an abstract account of the financial situation of said County. A majority of the whole number shall be necessary to do business, and their proceedings shall be public. They shall elect one of their number to act as chairman, who shall have power to administer oaths in all matter touching the business of said Board.

Duty and Powers
of the Board.

SEC. 5. The Board of Supervisors shall have power, with the consent of a majority of all its members, to make such

orders concerning the corporate property of said County, as they may deem expedient, and to sell, or otherwise dispose of the same, appropriating the proceeds thereof, to the use of the County; they shall audit the accounts of all officers having the management, collection or disbursing of any moneys or funds belonging to the County, to examine, settle and allow all amounts legally chargeable against the County, and to raise such sums in manner, as herein provided, as may be necessary to pay the same; to establish townships and election districts, and to alter the same; to have the management and control of public ferries, roads and bridges, and to make all necessary orders concerning the same; to impose and enforce a tax upon roads, bridges and ferries, such as they may deem just and equitable; and shall have power to examine all books, accounts and vouchers of the County Treasurer and County Auditor; audit and settle the same pursuant to law, which examination shall take place at least once in every three months, and shall have power to take and approve all bonds executed by County Officers for the faithful discharge of their official duties: *Provided*, that for the disposal of any of the property of the County, it shall require a majority of the whole number of the Supervisors, at a regular quarterly meeting of the Board to adopt any resolution or order for such disposal; which order or resolution shall be published, by posting in one or more public places in each township of the County, at least sixty days previous to the next quarterly meeting of the Board, when said resolution or order shall be again considered by the Board, and if it shall be approved by a majority of the whole number of the members of the Board, then they may proceed and dispose of such property at public auction, (and not otherwise,) giving at least fifteen days public notice.

SEC. 6. They shall have power to levy and collect a license tax for the sale of spirituous liquors; they shall have power to levy and collect an annual tax, not to exceed one-half of one per cent. in the cash market value of all real and personal property in the County, for the payment of the current expenses of said county; to sue on behalf of said county, in the name of "The Supervisors of the County of San Diego," and to do and perform all such acts as may be necessary to the discharge of the duties imposed on them by law.

License tax.

SEC. 7. The Board of Supervisors shall have no power to allow any account for rent, clerk hire, or other expenses, for any Justice or other county officer, unless expressly provided by law.

Expenses of
County Officers.

SEC. 8. They shall constitute a Board of Appeals for the equalization of State and County taxes.

Board of Appeals.

SEC. 9. No member of aforesaid Board of Supervisors shall be entitled to receive any compensation for his services as such Supervisor, and no member of the Board shall in any manner be interested in any contract or undertaking for said county; they shall not be permitted to allow any interest in any claim against

Compensation.

the County, or to audit or allow any claim for damages or non-performance of any contract on the part of the county.

Oath of Office.

SEC. 10. Before entering upon the discharge of the duties of their office, the members of the Board shall take the oath of office as prescribed by the Constitution of this State for other officers, before some person authorized to administer the same. From and after the election of Supervisors, the Court of Sessions shall cease to exercise any of the powers or jurisdiction herein given to the Board of Supervisors in this Act.

Conflicting Acts repealed.

SEC. 11. The sixty-ninth section of an Act, entitled "An Act concerning Courts of Justice in this State, and Judicial Officers," approved March eleventh, eighteen hundred and fifty-one; and the twenty-eighth, twenty-ninth, thirtieth, thirty-first, and thirty-second sections of an Act, entitled "An Act concerning County Recorders," approved March twenty-sixth, eighteen hundred and fifty-one, in so much as they may apply to the County of San Diego, or conflict with this Act, are hereby repealed.

APPROVED, May 3, 1852.

CHAPTER CXLII.

AN ACT

Defining the Boundary of the County of Shasta, and to amend the twenty-second section of An Act, entitled, "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April, twenty-fifth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly do enact as follows:

Former Act amended.

SEC. 1. Section twenty-second of an Act, entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows: "County of Shasta, beginning at a point in the middle of Sacramento River, opposite the mouth of Red Bank Creek, which empties into said river three miles below, and south of the house of Mr. Myers, and running thence up the middle of said Creek to its source in the Coast Range of Mountains; thence west in a straight line to the summit of the east line of said Coast Range; thence in a northerly direction following the summit of said east line of the Coast Range of Mountains (being that ridge or line of mountains which divides the waters flowing into the Trinity River from the waters flowing into the Sacramento River) to the southern line of Siskiyou County;

Boundaries of the County of Shasta.

thence along the southern boundary line of Siskiyou County in an easterly direction to the eastern boundary line of the State; thence south following the boundary line of the State to the northeast corner of Butte County; thence along the northerly line of Butte County to a point in the Sacramento River, opposite the mouth of Red Bank Creek, the place of beginning.

APPROVED April 24, 1852.

CHAPTER CXLIII.

AN ACT

To amend the Eighteenth Section of an Act, entitled "An Act to apportion Senatorial and Assembly Districts," passed May first, eighteen hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Former Act amended.

SEC. 1. Section eighteen of the Act, entitled "An Act to apportion Senatorial and Assembly Districts," passed May first, eighteen hundred and fifty-one, is hereby amended so as to read as follows: The Counties of Shasta and Siskiyou shall be the eighteenth Senatorial District, and shall elect one Senator jointly and one member of the Assembly from each County.

Legislative District of Shasta and Siskiyou.

APPROVED, May 1, 1852.

CHAPTER CXLIV.

AN ACT

To authorize a special election to be held in the County of Shasta, for the office of Sheriff.

Whereas, by the death of the Sheriff elect of the County of Shasta, said office will become vacant at the expiration of the term of the present incumbent; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Special election
for Sheriff.

SEC. 1. It shall be and is hereby made the duty of the County Judge of the County of Shasta, as soon as possible, to order a special election, to be holden within and for the County of Shasta, for the election of Sheriff of said County.

Mode of conduct-
ing elections.

SEC. 2. The manner of ordering, conducting, and making returns of the election, held in pursuance of this Act, shall be in accordance with the laws now in force regulating Elections of County Officers; and the term of the Sheriff, elected under this Act, shall expire on the first Monday of October, one thousand eight hundred and fifty-three.

Term of office.

APPROVED, March 27, 1852.

CHAPTER CXLV.

AN ACT

To create the County of Sierra and establish the Seat of Justice therein; to define its Boundaries and provide for its Organization.

The people of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The following shall constitute the Boundaries and Seat of Justice of Sierra County:

Boundaries and
Seat of Justice.

SEC. 2. Sierra County: Beginning at a point in the middle of the Middle Branch of Yuba River, ten miles from its mouth, running thence in a northwesterly direction to a point on the North Branch of Yuba River, known as Cut Eye Foster's Bar; thence westerly to a point on the dividing ridge between the

waters of Feather and Yuba Rivers, known as the Lexington House; leaving said house in Yuba county, thence northerly following out said ridge; thence easterly in a straight line to the boundary line of the State; thence south along said boundary line to a point east of the Middle Branch of Yuba River, and the northeast corner of Nevada County; thence west following the northerly line of Nevada County to the place of beginning. The Seat of Justice shall be at Downieville.

SEC. 3. There shall be held an election for County Officers in the County of Sierra, on the second Monday of June, one thousand eight hundred and fifty-two. Time of election.

SEC. 4. At the election mentioned in the preceding section, there shall be chosen one County Judge, one District Attorney, one County Clerk, one Sheriff, one County Surveyor, one County Assessor, one County Coroner, and one County Treasurer. Officers to be elected.

SEC. 5. John James, Francis Anderson, John Craycroft, C. E. Smith, and J. M. Ramsdell, are hereby appointed and constituted a Board of Commissioners to designate the election precincts in the County of Sierra for said election, to appoint the Judges and Inspectors of Election at the several precincts designated, to receive the returns, and to issue certificates of election to the parties receiving the highest vote. Commissioners.

SEC. 6. The provisions of the Act, entitled "An Act to regulate Elections," passed March twenty-third, one thousand eight hundred and fifty, shall apply to the County Election ordered by this Act, except that the said Board of Commissioners shall designate the Election Precincts, appoint the Judges and Inspectors of Election at such Precincts, receive the returns of election, and issue the several certificates to the persons elected. Commissioners to issue certificates of election.

SEC. 7. For the purpose of designating the several precincts in the County, the said Board of Commissioners shall meet on the Monday two weeks previous to the day of election, and at said meeting shall designate the Precincts of the County, and appoint the Judges and Inspectors of Election for such Precincts. The said Board shall appoint one of their number as President, and one as Clerk, whose duty it shall be to keep a record of their proceedings. The attendance of three-fifths of the Board shall be necessary for the transaction of business. Time of meeting of Board of Commissioners.

SEC. 8. The said Board of Commissioners shall immediately after designating the Precincts of the County, and appointing the Judges and Inspectors thereof, give notice of such precincts and officers of election, by advertisement in some newspaper, printed in the County; but if there be none, then by notices posted at each of the said precincts said notice to be given ten days previous to the day of election. Notice to be given.

SEC. 9. If Precincts be not established according to the provisions of this Act, the election may be held at any place or places where there are not less than thirty resident electors present. Election.

SEC. 10. Sealed Returns from the Officers of Election may be delivered to any member of said Board. The said Board shall meet in the Town of Downieville, on the tenth day subsequent Returns of elections.

to the day of election; and the Returns shall then be opened and read, and under their direction, and in their presence, a tabular statement shall be made out, showing the vote given at each Precinct of the County; or if the Precincts be not established, at such place where the polls were opened, for each person and for each of the offices to be filled at the election, and also the entire vote given in the County for each person. The statement thus made out by such Board, shall be signed by its President and Clerk.

Certificate of election.

SEC. 11. So soon as the statement is made out by the Board, its President shall declare the result, and immediately make and send or deliver to each person chosen, a certificate of election, signed by him as President of the Board of Commissioners, and attested by the Clerk.

Persons elected shall qualify.

SEC. 12. Each person chosen shall qualify and enter upon the discharge of the duties of his office within ten days after the receipt of his certificate of election. The person elected as County Judge, shall qualify before the President of the Board of Commissioners of the County. Persons elected to the other offices may qualify before the said President, or before the County Judge.

Duty of President.

SEC. 13. The President of the Board shall transmit without delay a copy of the tabular statement prepared, as provided in section tenth to the Secretary of State. The election returns of the County and the tabular statement shall be retained by the President of the Board of Commissioners of the County, until the person elected as Clerk of the County has qualified and entered upon his duties, after which they shall be filed in the office of said Clerk.

Officers and their successors.

SEC. 14. The County Judge chosen under this Act, shall hold office for four years; the other officers elected, shall hold their respective offices for two years, and until their successors are elected and qualified. The successors of the officers elected under this Act, shall be chosen at the general election established by law, which takes place next preceding the expiration of their respective terms.

The Court shall appoint two Commissioners.

SEC. 15. At the first term of the Court of Sessions, held in Sierra County, there shall be appointed by said Court two Commissioners, to meet a corresponding number of Commissioners, to be appointed by the Court of Sessions of Yuba County, for the purpose of ascertaining the amount of indebtedness of Yuba County. When the amount of indebtedness is ascertained, the one quarter of such amount shall be chargeable to Sierra County, for which amount the Court of Sessions of Sierra County shall issue a warrant on its Treasury in favor of the Treasurer of Yuba County, payable out of any funds which may come into its possession and belonging to the County. The said Commissioners shall meet in the city of Marysville, on the first Monday of July, A. D. one thousand eight hundred and fifty-two.

Salaries of officers.

SEC. 16. The Judge of the County of Sierra shall receive as compensation for his services two thousand dollars per annum. The District Attorney shall receive for his services one thousand

dollars per annum. Sierra County shall be in the tenth Judicial District and fifteenth Senatorial District; and shall elect jointly with Yuba County one Senator, and three members of Assembly.

SEC. 17. All laws now in force in this State that conflict with any of the provisions of this Act are hereby repealed. Conflicting Acts repealed.

APPROVED, April 16, 1852.

CHAPTER CXLVI.

AN ACT

To establish the County of Siskiyou, and establish the Seat of Justice therein.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. A new County is hereby created to be known as the County of Siskiyou, bounded as follows, to wit: At a point known as the Devil's Castle, near and on the opposite side from Soda Springs, on the Upper Sacramento River; from said point or place of beginning, to run due east to the eastern boundary of the State of California, and thence north to the Oregon line, and from thence running west along the boundary line of the Territory of Oregon and the State of California, to a point on said line due north of the mouth of Indian Creek, (being the first large Creek adjoining the Indian Territory, at a place known as Happy Camp, which empties into the Klamath River, on the opposite side below the mouth of Scott's River,) and from thence across Klamath River, running in a southeasterly course along the summit of the mountains dividing the waters of Scott's and Salmon Rivers, to the place of beginning. Boundaries of County.

SEC. 2. The County Seat of said County shall be located at Shasta Butte City, and shall be known by the name of Yreka City. County seat.

SEC. 3. There shall be held an election for County Officers in the County of Siskiyou, on the first Monday in May of the present year, eighteen hundred and fifty-two. Time of election.

SEC. 4. At the election mentioned in the preceding section, there shall be chosen for the County one County Judge, one District Attorney, one County Clerk, one Sheriff, one County Surveyor, one Assessor, one Coroner, and one Treasurer. Officers to be elected.

SEC. 5. H. G. Furrles, Judge Smith, Judge Tutt, David Lowry, and B. F. Rae, in Siskiyou County, are hereby appointed and constituted a Board of Commissioners, to designate the Election Precincts in the County of Siskiyou for the said election, to appoint the Inspectors of Election, at the several Pre- Board of Commissioners.

cincts designated, to receive the returns of election, and to issue certificates of election.

Certificates of election.

SEC. 6. The provisions of the Act, entitled "An Act to Regulate Elections," passed March twenty-third, eighteen hundred and fifty, shall apply to the County Election ordered by this Act, except that the several Boards of Commissioners shall designate the Election Precincts, appoint the Inspectors of Election at such Precincts, receive the Returns of the Election, and issue the several certificates to the persons elected.

Time of meeting of the Board of Commissioners.

SEC. 7. For the purpose of designating the several Precincts the said Board of Commissioners shall meet, if possible, on the Monday two weeks previous to the election, or during any succeeding day of the same week; and at the said meeting shall designate the Precincts of the County, and appoint the Inspectors of Election at such Precincts. The said Board shall appoint one of their number as President, and one as Clerk. A record of their proceedings shall be kept. The attendance of two-thirds of the members of the Board shall be necessary for the transaction of business.

Notice to be given.

SEC. 8. The said Board shall immediately after designating the Precincts in their County, and appointing the Inspectors thereof, give notice of such Precincts and Inspectors, by advertisement published in some newspaper printed in the County, if there be one; but if there be none, then by notices posted at each of said Precincts.

Precincts.

SEC. 9. If Precincts be not established according to the provisions of this Act, the election may be held at any place or places where there are not less than thirty resident electors present.

Sealed returns.

SEC. 10. Sealed Returns from the Officers of Election may be delivered to any member of said Board. The said Board shall meet in the County on the first Monday subsequent to the election, and the returns shall then be opened and read; and under their direction, and in their presence, a tabular statement shall be made out, showing the vote given at each Precinct of the County; or if Precincts be not appointed, at each place where the polls were opened for each person and for each of the offices to be filled at the election; and also the entire vote given in the County for each person. The statement thus made out by each Board shall be signed by its President and Clerk.

The President shall declare the result.

SEC. 11. So soon as the statement and certificate are made out by the Board, its President shall declare the result, and immediately make out and send, or deliver to each person chosen a certificate of election, signed by him as President of the Board of Commissioners, and attested by the Clerk.

Persons chosen shall qualify.

SEC. 12. Each person chosen shall qualify and enter upon the discharge of the duties of his office within ten days after the receipt of his certificate of election. The person elected as County Judge, shall qualify before the President of the Board of Commissioners of the County. Persons elected to the other offices may qualify before the said President, or before the County Judge.

SEC. 13. The President of the Board shall transmit without delay, a copy of the tabular statement prepared, as provided in section tenth, to the Secretary of State. The election returns of the County and the tabular statement shall be retained by the President of the Board of Commissioners of the County, until the person elected as Clerk of said County has qualified and entered upon his duties. After which they shall be filed in his office.

Duty of the President.

SEC. 14. The said Board of Commissioners shall meet at Yreka City, in said County of Siskiyou.

Place of meeting.

SEC. 15. The County Judge chosen under this Act shall hold his office for two years; the other officers elected shall hold their respective offices for two years, and until their successors are elected and qualified. The successors of the officers elected under this Act, shall be chosen at the general election established by law which takes place next preceding the expiration of their respective terms.

Officers and their successors.

SEC. 16. The Commissioners appointed by the provisions of this Act, shall receive as pay for their services such amount as the Court of Sessions of the County of Siskiyou, when said county is organized, may deem just and proper; and such amount as shall be allowed by the Court of Sessions, shall be paid out of any funds that may come into the Treasury of Siskiyou County.

Compensation of Commissioners.

SEC. 17. At the first term of the Court of Sessions, held in Siskiyou County, there shall be appointed by said Court two Commissioners, to meet a corresponding number of Commissioners to be appointed by the Court of Sessions of Shasta County, for the purpose of assigning to each of said Counties its just proportion of the indebtedness of Shasta County to the State for taxes assessed: For the amount found by such Commissioners, as justly chargeable to Siskiyou County, the Court of Sessions of said County shall issue a warrant on its Treasury, payable out of any funds which may come into its possession belonging to the County. The said Commissioners shall meet on the first Monday in June, at Shasta City, in the County of Shasta.

The Court shall appoint two Commissioners.

SEC. 18. The assessment of taxes for the year eighteen hundred and fifty-one, made by the County of Shasta, within the present limit of the County of Siskiyou, and which may be delinquent on the first Monday of May, eighteen hundred and fifty-two, shall be collected by the proper officers of Siskiyou County; and the Treasurer of Shasta County shall on application of the Treasurer of Siskiyou County, furnish and deliver to the Treasurer of Siskiyou County, a certified copy of the delinquencies within the limits of his County, taking his receipt therefor, and charging the same upon the Treasurer's books of Shasta County to the County of Siskiyou. Until said County shall be fully organized under this Act, it shall be attached to Shasta County for all judicial purposes.

Taxes assessed.

APPROVED, March 22, 1852.

CHAPTER CXLVII.

AN ACT

To amend the Twenty-Fourth and Twenty-Seventh Sections of "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April twenty-fifth, eighteen hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Boundaries of
County of Sono-
ma and Seat of
Justice.

SEC. 1. The twenty-fourth section of "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April twenty-fifth, eighteen hundred and fifty-one, is hereby amended so as to read as follows: "County of Sonoma:—Beginning on the sea coast, at the mouth of Russian River, and following up the middle of said river to its source in the range of mountains called Mayacmas; thence in a direct line to the northwestern corner of Napa County; thence down and along the western boundary of Napa County to its termination in Carnero Mountain; thence in a direct line to the nearest point of Carnero Creek; thence down said creek to its entrance into Napa River; thence down the middle of Napa River to its mouth, excluding the island called Signa, or Mare Island; thence due south to the north line of Contra Costa County; thence down the middle of said Bay to the corner of Marin County; thence following the boundary of said county to Petaluma Creek; thence up said creek following the boundary of Marin County to the Ocean, and three miles therein; thence in a northerly direction parallel with the coast to a point opposite the mouth of Russian River, and thence to said River, which was the place of beginning. The Seat of Justice shall be at Sonoma."

County of Solano
its boundaries
and Seat of
Justice.

SEC. 2. The twenty-seventh section of the same Act is hereby amended so as to read as follows: "County of Solano:—Beginning at the mouth of Napa Creek, and running up the middle of its channel to the mouth of Suscol Creek; thence following up said creek to the eastern boundary line of Napa County; thence along said boundary line to the northeast corner of Napa County; thence in a direct line to the nearest point of Puter Creek; thence down the middle of said creek to its termination in the Tule Marsh; thence in a direct line to the head of Merritt's Slough; thence down the middle of said slough to its mouth; thence down the middle of Sacramento River to its mouth; thence down the middle of Suisun Bay to the Straits of Carquinez, and thence through the middle of said straits to the place of beginning, excluding the island, called Signor, or Mare Island. The seat of Justice shall be at Benicia.

APPROVED, May 8, 1852.

CHAPTER CXLVIII.

AN ACT.

To authorize William Moody and Morgan Hart to build a Wharf in the County of Solano.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. It shall and is hereby made lawful for William Moody and Morgan Hart, to build a Wharf as long as twelve hundred feet, near the island in the Tule in Suisun Valley, County of Solano, on the land of the State. Where Wharf is to be built.

SEC. 2. The State hereby grants to the said William Moody and Morgan Hart, the use of the overflowed and Tule land on both sides of said Wharf, for the distance of one hundred feet from each side of it, for twenty-five years from the passage of this Act, *Provided*, that the navigation of the Slough, upon which it is built, is not obstructed by said Wharf. The use of the Tule and overflowed lands granted. Navigation of the Slough not to be obstructed.

APPROVED, May 8, 1852.

CHAPTER CXLIX.

AN ACT

To amend the Eighteenth Section of An Act, entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. Section eighteenth of an Act, entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein," is hereby amended so as to read as follows: "Section eighteenth: County of Sutter, beginning at a point in the middle of Sacramento River, ten miles below the junction of Sacramento and Feather Rivers, and running thence up the middle of Sacramento River to a point due west of the north point of the three Buttes; thence in a southeasterly direction to a point at the base of the Buttes, due west of the south point of the same; thence in a northeasterly direction to a point in the Boundaries of Sutter County, and Seat of Justice.

middle of Feather River, opposite the mouth of Honcut Creek ; thence down the middle of Feather River to a point opposite the mouth of Bear Creek ; thence up the middle of said Creek to a point opposite "Camp far West ;" thence in a southerly direction along the western line of Placer County to the place of beginning. The Seat of Justice shall be at Nicolaus."

APPROVED, May 3, 1852.

CHAPTER CL.

AN ACT

To authorize William Morehead, Thomas Palmer & Co., to collect tolls on a bridge across Trinity River, in Trinity County.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authority to receive tolls for bridge built by them.

Rates to be established by the Court of Sessions.

Bridge to be kept in order.

To pay such taxes and assessment as the laws provide.

Not liable for violations of the law previous to the passage of this Act.

Commencement of this Act.

SEC. 1. William Morehead, Thomas Palmer & Co., are hereby authorized to receive and collect tolls on a bridge built by them across Trinity River in Trinity County, at a place heretofore known as the upper ferry, on the trail leading from Shasta city to Weaverville. The rates of said tolls to be ascertained and fixed by the Court of Sessions, in said County, once in every twelve months.

SEC. 2. Said bridge shall at all times be kept in perfect order for the safe and expeditious transportation of all persons with their baggage and property who may wish to cross the same.

SEC. 3. The said William Morehead, Thomas Palmer & Co., shall pay such assessment and taxes, as shall be imposed and authorized by law, and in all respects conform to the general laws of the State, for the regulation of toll bridges and ferries, and shall be liable to all penalties and forfeitures imposed by law, for neglect of duty as proprietors of said bridge.

SEC. 4. The said William Morehead, Thomas Palmer & Co., shall not be deemed to have been guilty of a violation of law, on any tolls which they may have collected on said bridge heretofore, and shall not be subject to the usual penalties in such cases.

SEC. 5. This Act to take effect and be in force from and after its passage.

APPROVED May 1, 1852.

CHAPTER CLI.

AN ACT

To authorize Dennis B. Mooney to collect tolls on a Ferry across Trinity River, in Trinity County, or to substitute a toll bridge for the same.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. Dennis B. Mooney is, or his assigns are, hereby authorized to receive and collect tolls on a ferry owned by him on the main branch of the Trinity River, in Trinity County, at a place commonly known as "Mooney's Ferry," on the trail leading from Weaverville into the Sacramento Valley.

Authority to receive tolls on a ferry owned by him.

SEC. 2. The said Dennis B. Mooney, is, or his assigns are, hereby authorized to build a toll bridge at or near the same place, at any time, in lieu of said ferry. Said bridge to be constructed of good timbers and of sufficient width to accommodate the travelling community in passing, and shall be kept in perfect order, at all times, for the safe transportation of persons with their baggage and property without delay.

Authority to build a toll bridge.

Conditions, &c.

SEC. 3. The rates of toll on said ferry, or on said bridge, in the event of its being constructed, shall be ascertained and fixed by the Court of Sessions, of Trinity County, once in every twelve months.

Rates of toll to be fixed by the Court of Session.

SEC. 4. The said Dennis B. Mooney, or his assigns, shall pay such assessment and taxes as shall be imposed and authorized by law, and in all respects conform to the general laws of the State, for the regulation of toll bridges and ferries, and shall be liable to all penalties and forfeitures, imposed by law, for neglect of duty, as proprietor or proprietors, of said ferry or bridge, as the case may be.

To be subject to the usual laws.

SEC. 5. This Act to take effect and be in force from and after its passage.

Commencement of this Act.

APPROVED, May 1, 1852.

CHAPTER CLII.

AN ACT

To provide for the ordering of a Special Election in the County of Trinity.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County seat to be decided upon by the electors.

SEC. 1. That at the next general election, to be held throughout the State, the qualified electors of Trinity County shall vote for some place as the County Seat, of said County, and that place which shall receive the highest number of votes shall thereafter be the Seat of Justice.

APPROVED, May 1, 1852.

CHAPTER CLIII.

AN ACT

Creating Tulare County and to provide for its organization.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Boundaries.

SEC. 1. The County of Mariposa is hereby sub-divided as follows: Beginning at the summit of the coast range at the corner of Monterey and San Luis Obispo Counties, thence running in a northeasterly direction to the ridge dividing the waters of the San Joaquin and Kings Rivers, thence along said ridge to the summit of the Sierra, thence in the same direction to the State line, thence southeasterly along said line to the County of Los Angeles, thence southwesterly along the line of Los Angeles County, to Santa Barbara, thence along the summit of the coast range to the place of beginning.

Seat of Justice

SEC. 2. The southern portion of Mariposa County, so cut off, shall be called Tulare County, the Seat of Justice shall be at the log cabin on the south side of Kaweah Creek, near the bridge built by Dr. Thomas Payne, and shall be called Woodsville. The Seat of Justice shall be at Woodsville until changed by the people as provided by law.

SEC. 8. Tulare County shall be attached to Mariposa County Election District. for general election purposes.

SEC. 4. The County organization shall be made during the Organization. second week of July next.

SEC. 5. During the second week of July next there shall be County Officers. chosen for Tulare County, one County Judge, one County Attorney, one County Clerk, one Recorder, one Sheriff, one County Surveyor, one Assessor, one Coroner, and one Treasurer.

SEC. 6. The County Judge chosen under this Act shall hold Terms of office. his office for two years from next October, and until his successor is elected and qualified. The other officers elected shall hold their respective offices for one year, and until their successors are elected and qualified. The successors of the officers elected under this Act shall be chosen at the general elections established by law, which take place next preceding the expiration of their respective terms.

SEC. 7. James D. Savage, John Boling, M. B. Lewis, and Dr. Board of Commissioners. H. W. McMillen, are hereby appointed and constituted a Board of Commissioners to designate the election precincts, in the County of Tulare, for the election of said officers at the first election, and Electoral. to appoint the Inspectors of election at the several precincts designated, to receive the returns of the election and to issue certificates of election.

SEC. 8. The provisions of An Act, entitled An Act to regulate The same. elections, passed March twenty-third, one thousand eight hundred and fifty, shall apply to the County Elections, ordered by this Act, except that the Board of Commissioners shall designate the election precincts, appoint the Inspectors of Elections, at such precincts, receive the returns of election and issue the several certificates to the persons elected.

SEC. 9. For the purpose of designating the several precincts Election precincts in the county, the said Board shall meet two weeks previous to the day of election, and at said meeting shall designate the precincts of the county and appoint the Inspectors of Election at such precincts. The said Board shall appoint one of their number as President, and one as clerk. A record of their proceedings shall be kept. The attendance of two-thirds of the members of such Board shall be necessary for the transaction of business.

SEC. 10. The said Board shall immediately after designating Electoral notices. the precincts in the county, and appointing the Inspectors thereof, give notice of such precincts, and Inspectors, by notice posted at each of said precincts.

SEC. 11. If precincts be not established according to the pro- New precincts. visions of this Act, the election may be held at any place or places where there are not less than thirty resident electors present.

SEC. 12. Sealed returns from the officers of election may be Election returns. delivered to any member of said Board. The Board shall meet in the county, within five days subsequent to the election and the returns shall then be opened and read, and under their direction and in their presence, a tabular statement shall be made out showing the vote given at each precinct of the county, or if precincts

be not established, at each place where the polls were opened for each person and for each of the officers to be filled at the election and also the entire vote given in the county, for each person. The statement thus made out, by such Board, shall be signed by the President and Clerk.

Certificates of election.

SEC. 13. So soon as the statement and certificates are made out by the Board, the President shall declare the result and immediately make out and send, or deliver, to each person chosen a certificate of election signed by him as President of the Board of Commissioners and attested by the Clerk.

Qualification of Officers.

SEC. 14. Each person chosen shall qualify and enter upon the discharge of the duties of his office within twenty days after the receipt of his certificate of election. The person elected as County Judge shall qualify before the President of the Board of Commissioners of the county. Persons elected to the other offices may qualify before the said President or before the County Judge.

Election returns.

SEC. 15. The President of such Board shall transmit without delay, a copy of the tabular statement, prepared as provided in section twelve, to the Secretary of State. The elections returns of such county and the tabular statement shall be retained by the said President of the Board of Commissioners, of the county, until the person elected as Clerk of such county has qualified and entered upon his duties, after which they shall be filed in the office of said Clerk.

APPROVED, April 20, 1852.

CHAPTER CLIV.

AN ACT

To appoint Commissioners for the purpose of determining the amount of indebtedness of Yuba County, justly chargeable to Nevada County, at the time of the organization of Nevada County; and to determine also the amount of indebtedness of Sutter County, justly chargeable to Placer County at the time of the organization of Placer County.

Preamble.

Whereas, the Commissioners appointed by the Court of Sessions, of Yuba and Nevada Counties, in pursuance of the provisions of the fourteenth section of the Act entitled "An Act to provide for the organization of the Counties of Nevada, Placer, Trinity, and Kalmath, for the purpose of assigning to each of the Counties of Yuba and Nevada, its just proportion of the indebtedness of the original Yuba County, could not agree upon the same; and *Whereas*, the Commissioners appointed by the Courts of Sessions of Sutter and Placer Counties, in accordance with the provisions of the fifteenth section of the Act aforesaid,

for the purpose of assigning to each of the Counties last aforesaid, its just proportion of the indebtedness of the original Sutter County, could not agree upon the same, Therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. There shall be, and there are hereby appointed, three Commissioners, namely, W. S. Sherwood, of Butte County, Thomas J. Henly, of Sacramento County, B. F. Keene of El Dorado County, whose duty it shall be to determine the amount of indebtedness of Yuba County, justly chargeable to Nevada County, at the time of the organization of Nevada County, and for this purpose said Commissioners are hereby empowered to send for persons and papers. Appointment of Commissioners.

SEC. 2. For the amount of any indebtedness that may be awarded in favor of Yuba County, the Court of Sessions of Nevada County, shall issue a Warrant on the Treasurer of its County, payable out of any funds that may come into his possession belonging to said Nevada County, which Warrant shall be drawn in favor of the Treasurer of Yuba County. Court of Sessions to issue Warrant.

SEC. 3. The said Commissioners shall meet in the town of Nicolaus, county of Sutter, on the first Monday of July, one thousand eight hundred and fifty-two, and shall be paid mileage and per diem, at the rate of eight dollars for every twenty miles travel, and eight dollars per day whilst sitting. When Commissioners shall meet.

SEC. 4. The said Commissioners shall, at the time and place mentioned in section third, determine the amount of the indebtedness of the original Sutter County, justly chargeable to Placer County, at the time of the organization of Placer County, and for this purpose they are hereby empowered to send for persons and papers. Power to send for persons and papers.

SEC. 5. For the amount of any indebtedness that may be awarded in favor of Sutter County, the Court of Sessions of Placer County, shall issue a Warrant on the Treasurer of said Placer County, payable out of any fund that may come into his possession belonging to said Placer County, which Warrant shall be drawn in favor of the Treasurer of Sutter County. Court of Sessions to issue Warrant.

SEC. 6. The Court of Sessions of each of said counties may, if it shall see proper, order the District Attorney of its county, to represent the same before said Commissioners. District Attorney may defend.

SEC. 7. The expense of said Commissioners shall be divided equally between, and paid by said counties. Expense of Commission.

APPROVED, April 20, 1852.

CHAPTER CLV.

AN ACT

To Fund the Debt of the County of Yuba, and provide for the Payment thereof.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Funding Bonds to
be prepared by
Treasurer.

SEC. 1. With a view to fund the present debt of the County of Yuba in this State, and provide for the payment thereof, the Treasurer of the County of Yuba shall cause to be prepared bonds, in not less than one hundred dollars, nor more than five hundred dollars each, bearing interest at the rate of seven per cent. per annum from the date of their issue ; said bonds shall be payable at the office of said Treasurer on the first day of January, one thousand eight hundred and sixty ; the interest accruing on said bonds shall be due and payable on the first day of January next, after which time the interest shall be due, and payable on the first days of January and July of each year, until said bonds shall be paid and liquidated ; said bonds shall be signed by the County Judge and countersigned by the County Auditor, and shall be endorsed by the Treasurer, and shall have the seal of the county attached thereto.

Duty of Treasurer
and Auditor.

SEC. 2. It shall be the duty of the Treasurer and Auditor of said County each to keep a separate record of all such bonds as may be issued, showing the number, date, and amount of said bonds, and to whom the same were issued.

Coupons.

SEC. 3. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond ; said coupons shall be signed by the County Treasurer, and shall be receivable for taxes. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the year's interest then due, and retain said coupon on file in his office.

The expense of
preparing bonds
to be paid by the
Treasurer.

SEC. 4. The County Treasurer shall pay out of any moneys in the Treasury, not otherwise appropriated, any and all expense that he may incur in having said bonds prepared, the sum so paid out not to exceed three hundred dollars.

Funding of County
debt.

SEC. 5. From and after the time the provisions of this Act shall have effect, as provided, all persons having any indebtedness of the said County of Yuba, in the shape of bonds or warrants, drawn by the proper authorities of said county, shall upon presentation to the said Treasurer, receive in exchange therefor a bond or bonds of the County of Yuba, such as are provided for in this

Act. *Provided*, That the amount so presented shall not be less than one hundred dollars, and provided that the said bonds to be issued shall not be less than one hundred dollars, nor more than five hundred dollars each. The County Treasurer shall endorse on the back of each bond or warrant, redeemed by him, the date on which he redeemed the same, and from whom received, and also keep a record of the same, giving the number, date, and amount of the bond or warrant. Amount and form of Bonds.

SEC. 6. It shall be the duty of the County Judge and Auditor to attend at least once in each month at the County Treasurer's office, to examine all bonds and warrants received by the Treasurer as aforesaid, and cause the same to be registered and cancelled in such manner as to prevent their being re-issued or put in circulation. Duty of County Judge and Auditor.

SEC. 7. In addition to the ordinary taxes for general county purposes, there shall this year, and annually thereafter, until the principal and interest of the said bonds to be issued shall be fully provided for by payment or otherwise, as hereinafter provided, be levied and collected in the same manner with the ordinary revenues of the said county, and by the same officers a special tax, to be called *the interest tax*, of twenty-five cents on each one hundred dollars of taxable property, which tax shall be collected and paid over into the county in the legal currency of the State of California, or in gold dust, at the market rate in the county. The fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for: *Provided*, however, that should said fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the "*Sinking Fund*" herein provided for. Interest tax. Provide.

SEC. 8. It shall be the duty of the County Treasurer of said County of Yuba, to make certain arrangements for the payment of the interest on said bonds, when the same falls due, at least sixty days before the time of payment; and in the event the said interest fund is insufficient, the said Treasurer shall draw on the common or general fund of the said County of Yuba for such purpose; and in the event that those funds prove inadequate, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith of the County of Yuba. Interest on bonds.

SEC. 9. It shall be the duty of the said Treasurer to set apart "*Sinking Fund*," a fund, to be called the "*Sinking Fund*" of the County of Yuba; into this fund shall be paid: First, any and all surplus of the interest fund as aforesaid. Second, whatever surplus may remain in the Treasury of the said County of Yuba, on the first day of August, eighteen hundred and fifty-two, and on the first day of May every year thereafter, after paying the ordinary yearly expenses of the county, each of such payments to be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid; and when the same shall be paid in and liquidated, the payment shall cease, and all sur-

Liquidation of
Bonds.

plus remaining in said Sinking Fund shall be paid into the common Treasury of the said county. Whenever at any time there shall be in the Sinking Fund a sum of money amounting to three thousand dollars or upwards, the County Treasurer shall advertise in a public newspaper, published in said county, for the space of two weeks, for sealed proposals for the redemption of said bonds. After the expiration of the time of publication, the Treasurer shall open the sealed proposals in presence of the County Auditor, and shall pay and liquidate said bonds presented at the lowest value at which they may be proposed to be liquidated, provided the same shall not be for more than the par value; and provided, that should there be no proposals made for less than par value, then the payments shall be made *pro rata* on all bonds; and *provided*, whenever there may be sufficient in the Sinking Fund for the extinguishment of the debt of said county, it shall be the duty of the Treasurer to advertise in some newspaper published in the county for the space of four weeks for the redemption of the outstanding bonds of said county, as hereinbefore provided; after which time said bonds shall cease to bear any interest.

Duty of Treas-
urer.

SEC. 10. True and particular account and record of Sinking Fund shall be kept by the said Treasurer, and shall at all times be open to the inspection of the County Judge and Auditor of said county, and to any committee appointed by the Grand Jury or the Court of Sessions of said county; and upon demand of the Grand Jury of said county, the said Treasurer shall cause a concise statement of the condition and business of said fund, and of the amount of bonds issued, and to whom issued, to be published in one or more newspapers in said county.

Compensation of
Treasurer.

SEC. 11. The Treasurer shall receive as compensation for duties performed under the provisions of this Act, one and a half per cent. on the amount of debt funded as provided for in this Act.

When Funding
to commence.

SEC. 12. Immediately after the passage of this Act, the Treasurer shall advertise that after thirty days the funding of said debt will commence; from which time it shall not be lawful for the Treasurer to pay or liquidate any of the present indebtedness of said county in any other manner than is herein provided, unless otherwise ordered by future enactments.

APPROVED, May 8, 1852.

CHAPTER CLVI.

AN ACT

Supplementary to the Act incorporating the city of Marysville.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. Section nine of article second of the Act to incorporate the city of Marysville, is hereby amended so as to read as follows: No person shall be entitled to vote at any city election who is not a white male citizen of the United States, and who has not been a resident of this State six months and of the city thirty days next preceding the election.

Former Act amended.

Qualification of electors.

SEC. 2. Section one of article fifth of said Act is hereby repealed and the office of Recorder, and the Recorder's Court, in said city are hereby abolished.

Recorder and Recorder's Court abolished.

SEC. 3. The Justices of the Peace resident within the limits of the city of Marysville, shall possess the powers and exercise the jurisdiction specified in chapter ninth, of An Act entitled An Act concerning the Courts of Justice of this State and Judicial Officers, passed March eleventh, one thousand eight hundred and fifty-one, *Provided*, nevertheless, that said Justices shall in no wise make any charge or claim for their compensation, or as fees, against the Municipal authorities of said city of Marysville.

Justices of the Peace to exercise the duties of Recorder.

Compensation for services.

SEC. 4. The power of the Common Council of the city of Marysville to levy and collect taxes, on property real and personal made taxable by law for State purposes, is hereby limited and restricted to one-half of one per centum upon the assessed value of such property.

Limit of City Tax.

SEC. 5. No license tax shall be assessed by the Common Council of said city, for any hotel, tavern, public house, or bowling alley, exceeding for each twenty dollars a month.

Limit of License Tax in certain cases.

SEC. 6. Real and personal property may be sold for taxes due the city, *Provided*, public notice be given in some city newspaper, sixty days previous to said sale, descriptions of the property, *Provided*, also, that the owner of any real property, sold for taxes under the provisions of this section, may redeem the same within twelve months from the day of such sale by depositing in the office of the city Treasurer for the use of such purchaser, the amount bid for such property, together with twenty per cent. damages thereon, and legal interest, and the expenses of advertisement and sale, *Provided*, also, that only so much of the property shall be sold as will bring an amount to cover the taxes and expenses. Should the real property sold not be redeemed in accordance with the provisions of this section, the title shall remain absolute in the purchaser.

Regulating real and personal property sold for taxes.

Manner of creat-
ing city ordi-
nances.

Veto.

Compensation of
City Marshal.

City Clerk to per-
form the duties
of Assessor.

Assessing, &c.

Offices of City
Attorney and As-
sessor abolished.

Compensation of
City Clerk.

Commencement
of this Act.

SEC. 7. Every ordinance which shall have been passed by the Common Council, shall, before it becomes effective, be presented to the Mayor for his approbation, if he approve he shall sign it, if not he shall return it with his objections, in writing, to the Common Council, who shall cause the same to be entered upon the journal and shall proceed to reconsider the same. If, after such reconsideration, two-thirds of all the members of the Common Council elect, shall agree to pass the same, it shall become an ordinance. In all such cases the vote shall be taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal of the Common Council. If any ordinance shall not be returned by the Mayor, within ten days (Sundays excepted) after it shall have been presented to him, the same shall become effective as if the Mayor had signed it.

SEC. 8. The City Marshal shall receive for his services, such fees and compensation as the Common Council may prescribe, but the same not to exceed the fees allowed by law to Sheriffs or Constables, for like services, and for the collection of all moneys due the city, shall receive five per centum on all sums collected.

SEC. 9. It shall be the duty of the city clerk to procure from the County Assessor, a list of all the taxable property, real and personal, within the city, and a list of the names and occupations of all residents within the city, and furnish the Marshal with the same, which list shall be the basis of all taxation for municipal purposes, and such list of taxable property, shall be furnished on or before the first Monday in August in each year. The offices of city Attorney and city Assessor, be and are hereby abolished.

SEC. 10. The city clerk shall receive for his services such compensation as may be allowed by the Common Council, not to exceed the sum of eight hundred dollars per year.

SEC. 11. The Act entitled An Act amending the Act to incorporate the city of Marysville, passed April twenty-ninth, one thousand eight hundred and fifty-one, is hereby repealed.

APPROVED, April 10, 1852.

CHAPTER CLVII.

AN ACT

To change the time for holding the terms of the District Court in the County of Yuba.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time for holding
the terms of the
District Court
changed.

SEC. 1. That until otherwise provided by law, the terms of the District Court held in the County of Yuba, in the tenth Judicial

ial District, shall commence on the third Monday, instead of the first Monday of the months in which they are required to be held.

APPROVED April 8, 1852.

CHAPTER CLVIII.

AN ACT

To provide for the Payment of Drury P. Baldwin and Thomas J. Green, for expenses incurred in laying off the Public Grounds in the City of Vallejo.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of the State is hereby directed to audit and settle the account of Drury P. Baldwin and Thomas J. Green, for three hundred dollars each, for expenses incurred in selecting and laying off the Public Grounds in the City of Vallejo ; and that the Comptroller is hereby authorized to issue his warrants therefor for any money not otherwise appropriated.

Comptroller to
issue Warrants
to each \$300.

APPROVED, March 19, 1852.

CHAPTER CLIX.

AN ACT

For the Relief of E. Barry.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That the Comptroller of State be, and is hereby authorized to draw his warrant on the "General Fund" of the Treasury in favor of E. Barry for the sum of two thousand and thirty-nine dollars.

Comptroller to
issue Warrant
for \$2,039.

APPROVED, March 26, 1852.

CHAPTER CLX.

AN ACT

*For the Relief of James L. Bolen.**The People of the State of California, represented in Senate and Assembly, do enact as follows :*Comptroller to
issue Warrant
for \$1000.

Bond.

Commencement
of this Act.

SEC. 1. The Comptroller of State is hereby authorized and required to draw his warrant on the State Treasurer for the sum of (\$1,000) one thousand dollars, in favor of James L. Bolen, payable out of the "War Loan Fund." *Provided*, that the said Bolen shall give satisfactory security to the Comptroller of State in double the amount specified; conditioned that his lost certificate and receipt shall not be presented for payment to this State.

SEC. 2. This Act shall take effect from and after its passage.
APPROVED April 2, 1852.

CHAPTER CLXI.

AN ACT

*For the Relief of Charles T. Botts.**The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Preamble.

Treasurer of the
State to issue new
certificates for
those damaged.

Whereas, Charles T. Botts, of the City of San Francisco, was the lawful holder on the fourth day of May, one thousand eight hundred and fifty, of three Certificates of State indebtedness, commonly known as the "Temporary State Loan," for one hundred dollars each, bearing interest at the rate of three per cent. per month, from the twentieth day of February, one thousand eight hundred and fifty, numbered respectively, one hundred and forty-seven, three hundred and ten, two hundred and seventy-one: and *Whereas*, the said Certificates were so scorched in the fire of the fourth of May, one thousand eight hundred and fifty-one as to be useless to the holder, the Treasurer of the State of California is hereby directed to issue to the said C. T. Botts, upon his surrender of the remains of said Certificates for cancellation, renewed Certificates in manner and form, and to have the like force and effect as the Certificates which they are intended to replace.

APPROVED, April 10, 1852.

CHAPTER CLXII.

AN ACT

*For the Relief of Jesse D. Carr.**The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SEC. 1. The Comptroller of State is hereby authorized and required to issue his warrant in favor of Jesse D. Carr, for the sum of one thousand and ninety-seven dollars, being in consideration of warrants burnt in May, one thousand eight hundred and fifty-one ; and the State Treasurer shall upon presentation to him of the said warrant, fund the same by bonds dated June tenth, one thousand eight hundred and fifty-one. *Provided*, that the said Jesse D. Carr shall give his bond to the State, with good and sufficient sureties to the satisfaction of the Treasurer, in a sum double the aforesaid amount, conditioned to be paid if the warrants claimed to be burnt shall ever be presented to the Treasury for payment.

Comptroller to
issue Warrant for
\$1,097 for
same amount
destroyed by fire.

Said Warrant to
be funded.

Indemnifying
bond to be given
to the State.

APPROVED, April 9, 1852.

CHAPTER CLXIII.

AN ACT

*For the Relief of Jesse D. Carr.**The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SEC. 1. That Jesse D. Carr, his heirs, executors, administrators, or assigns, are hereby authorized to maintain a suit against the City of San Francisco, before the District Court of the Fourth Judicial District, or the Superior Court of the City of San Francisco, for the purpose of proving the loss of certain scrip issued by said City, and alleged to be the property of said Jesse D. Carr, and destroyed by fire on the fourth of May last ; and in case the ownership and loss of said scrip be proved to the satisfaction of the jury trying the same, and a verdict be rendered for the amount which shall appear to be due under the direction of the Court, before whom the same shall be tried, a judgment shall be

Power to main-
tain suit against
city of San
Francisco.

For the recovery
of lost Scrip.

Judgment to be
valid if obtained.

entered on the same, which shall be as valid to all intents and purposes as if said scrip was in the hands of the plaintiff, and before the jury at the time of trial.

APPROVED, May 1, 1852.

CHAPTER CLXIV.

AN ACT

For the Relief of Benjamin Chapman.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
issue Warrant
for \$781.25.

SEC. 1. The Comptroller of State is hereby authorized and directed to issue his warrant on the Treasurer of State for the sum of seven hundred and eighty-one dollars and twenty-five cents, in favor of Benjamin Chapman, payable out of the "General Fund" from any moneys not otherwise appropriated.

Commencement
of this Act.

SEC. 2. This Act to take effect from and after its passage.
APPROVED, May 4, 1852.

CHAPTER CLXV.

AN ACT

For the Relief of Thomas H. Coats.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
issue Warrant
for \$320.

Bond to be
executed.

Affidavit to be
furnished the
Comptroller.

SEC. 1. That the Comptroller of State be, and is hereby authorized and directed to issue to Thomas H. Coats, a State Warrant for the sum of three hundred and twenty dollars: *Provided*, that a good and sufficient bond shall be first executed on the part of said Thomas H. Coats, in the penalty of six hundred and forty dollars, to be approved by the Comptroller, conditioned to indemnify the State from the payment of a State Warrant, dated January twenty-second, eighteen hundred and fifty-two, number five hundred and eight, for the sum of three hundred and twenty dollars, alleged to have been lost by said Coats; and *Provided*, further, that the said Thomas H. Coats shall furnish satisfactory evidence to the Comptroller, by affidavit or otherwise, of the loss of such warrant.

APPROVED, April 10, 1852.

CHAPTER CLXVI.

AN ACT

For the Relief of Cooke and Le Count.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized and required to draw his warrant on the State Treasurer, for the sum of four hundred and seventy-two dollars and fifty cents, in favor of Cooke and Le Count, payable out of the "General Fund," from any funds not heretofore disposed of by law.

Comptroller to
issue Warrant
for \$472.50.

APPROVED, April 24, 1852.

CHAPTER CLXVII.

AN ACT

For the Relief of Nathan Coombs, of the County of Napa.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized to issue his warrant in favor of Nathan Coombs, of the County of Napa, for the sum of eighty-eight dollars and twenty cents, drawn upon the County Treasurer of Napa County; and said County Treasurer is authorized and directed to pay said warrant out of any moneys in his hands belonging to this State, or which may hereafter come into his hands; which warrant, when redeemed by the County Treasurer, shall be received by the Treasurer of State as so much money in any future settlement.

Comptroller to
issue Warrant
for \$88.20.

Treasurer of State
to receive said
Warrant.

APPROVED, May 8, 1852.

CHAPTER CLXVIII.

AN ACT

For the Relief of Jno. Craycroft & Co., Delmas, Garneset & Co., Van Read, Talmon & McDuffie.

The People of the State of California, represented in Senate and Assembly do enact as follows :

Discontinuance of legal proceedings for violation of An Act to "License gaming."

SEC. 1. Any suit which may have been commenced under the authority and by virtue of a law, passed March fourteenth, eighteen hundred and fifty-one, to license gaming, against Jno. Craycroft & Co., and Delmas, Garneset & Co., of the Town of Downieville, and Van Read, Talmon & McDuffie, of Marysville, in this State, or any suit which may hereafter be instituted against said parties for the recovery of gaming license accruing to the State of California, between the date of the passage of the above named Act and the first day of December thereafter is, and shall be for the reasons set forth in the foregoing preamble, hereby discontinued ; and the District Attorney for the County of Yuba is hereby required and directed to enter a "Nolle Prosequi" in said cases.

APPROVED, May 8, 1852.

CHAPTER CLXIX.

AN ACT

For the Relief of Cronin & Markley.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to draw Warrant for \$900.

SEC. 1. The Comptroller of State is hereby authorized and directed to draw his warrant on the Treasurer of State, for the sum of nine hundred dollars, payable out of the "General Fund."

Commencement of this Act.

SEC. 2. This Act to be in force from and after its passage.

APPROVED, May 4, 1852.

CHAPTER CLXX.

AN ACT

For the Relief of M. C. Dougherty.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer, in favor of M. C. Dougherty, for seventy-five dollars, payable out of the "General Fund."

Comptroller to
Issue Warrant
for \$75.

APPROVED, March 27, 1852.

CHAPTER CLXXI.

AN ACT

For the Relief of M. Dougherty.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby directed to draw a warrant upon the Treasurer of State, in favor of M. Dougherty, for the sum of one hundred and twenty-five dollars, payable out of the "General Fund."

Comptroller to
draw Warrant
for \$125.00.

APPROVED, April 10, 1852.

CHAPTER CLXXII.

AN ACT

For the Relief of William H. Endicott, Under Sheriff of Nevada County.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That the Comptroller of State be, and he is hereby authorized and directed to draw his warrant on the "General

Comptroller to
Issue Warrant
for \$380

Fund" of the Treasury, in favor of William H. Endicott, for the sum of three hundred and eighty dollars.

APPROVED, March 22, 1852.

CHAPTER CLXXIII.

AN ACT

For the Relief of Thomas J. Green.

The People of the State of California, represented in Senate and Assembly do enact as follows :

Comptroller to
issue Warrant
for \$253.80.

SEC. 1. That the Comptroller of State be, and is hereby directed to draw his warrant on the "General Fund" of the Treasury, in favor of Thomas J. Green, for the sum of two hundred and fifty-three dollars and eighty cents.

APPROVED, March 29, 1852.

CHAPTER CLXXIV.

AN ACT

For the Relief of Mary Bush Hartman.

Preamble.

Whereas, it is represented that Henry Hartman, deceased, by his last will and testament, bequeathed to his wife, Mary Bush Hartman, his entire personal and real estate, which amounts to about the sum of twenty-five thousand dollars, and appointed her Executrix of the same; and that said estate is free from debts and liabilities to any large amount; and the provision of the law which requires a bond to the State of California, in double the value of the estate, to be given by an Executor or Executrix, will operate oppressively in this instance, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Letters testamen-
tary to be issued
without usual
bond.

SEC. 1. The Judge of the Probate Court of the County of San Joaquin is hereby authorized, empowered and directed, when satisfied of the correctness and truth of the statements contained in the preamble of this Act, to grant letters testamentary on the estate of

Henry Hartman, deceased, to Mary Bush Hartman, without requiring her to give the bond required by law.

APPROVED, February 17, 1852.

CHAPTER CLXXV.

AN ACT

For the Relief of William E. P. Hartnell.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That the Comptroller of State be, and he is hereby authorized and directed to draw his warrants in favor of William E. P. Hartnell, State Translator, for the amount due him for the translation of the Laws and Joint Resolutions into the Spanish language, whenever the evidence of the correct and complete translation of said Laws and Resolutions shall be presented at the office of the Comptroller.

Comptroller to
Issue Warrant.

For translating
the laws.

APPROVED, April 24, 1852.

CHAPTER CLXXVI.

AN ACT

For the Relief of W. E. P. Hartnell.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer, payable out of any moneys in the "General Fund," not otherwise specifically appropriated, in favor of W. E. P. Hartnell, for the sum of six hundred and ninety dollars, as compensation for extra services as State Translator.

Comptroller to
Issue Warrant
for \$690.

Compensation as
State translator.

APPROVED, April 28, 1852.

CHAPTER CLXXVII.

AN ACT

*For the Relief of L. Hasleton, N. A. Holley & Co., and
Lawrence McMahon.*

*The People of the State of California, represented in Senate
and Assembly, do enact as follows :*

Comptroller to
draw Warrants
for \$80, \$30,
and \$30.

SEC. 1. The Comptroller is hereby authorized and directed to issue his warrants on the Treasurer of State, for the respective sums of eighty dollars, (payable to Lawrence McMahon,) thirty dollars, (payable to N. A. Holley & Co.,) and thirty dollars, (payable to L. Hasleton,) all payable out of the "General Fund" from any moneys not otherwise appropriated.

Commencement
of this Act.

SEC. 2. This Act shall take effect from and after its passage.
APPROVED, May 3, 1852.

CHAPTER CLXXVIII.

AN ACT

For the Relief of Hinckley & Davis.

*The People of the State of California, represented in Senate
and Assembly, do enact as follows :*

Comptroller to
issue Warrant
for \$39.00.

SEC. 1 The Comptroller is hereby directed to draw his warrant on the Treasurer, in favor of Hinckley & Davis, for the sum of thirty-nine dollars, to be paid out of any moneys not otherwise appropriated.

APPROVED, March 27, 1852.

CHAPTER CLXXIX.

AN ACT

Requiring the Comptroller to draw his Warrant in favor of J. F. Howe.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized and directed to draw his warrant on the Treasurer, in favor of James F. Howe, for the sum of two hundred and fifty dollars for services as private Secretary to the Governor.

Comptroller to
issue Warrant
for \$250.

APPROVED, February 11, 1852.

CHAPTER CLXXX.

AN ACT

For the Relief of Lorenzo Hubbard.

The People of the State of California represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized and directed to draw his warrant upon the Treasurer of State, for the sum of one thousand and fifty-eight dollars and sixty-six cents, in favor of Lorenzo Hubbard, payable out of the General Fund.

Comptroller to
draw Warrant
for \$1,058.66.

SEC. 2. This Act shall take effect from and after its passage.

Commencement
of this Act.

APPROVED, May 3, 1852.

CHAPTER CLXXXI.

AN ACT

*For the Relief of E. J. C. Kewen.**The People of the State of California, represented in Senate and Assembly, do enact as follows :*Comptroller to
issue Warrant
for \$1400.

SEC. 1. That the State Comptroller be, and he is hereby authorized to draw his warrant upon the State Treasurer, in favor of E. J. C. Kewen, for the sum of fifteen hundred dollars, payable out of the "General Fund."

APPROVED, April 24, 1852.

CHAPTER CLXXXII.

AN ACT

*For the Relief of A. G. Kimbell.**The People of the State of California, represented in Senate and Assembly, do enact as follows :*Comptroller to
issue Warrant
for \$1000.For distributing
Laws.Commencement
of this Act.

SEC. 1. The Comptroller of State is hereby authorized and required to audit the account of A. G. Kimbell, for the sum of one thousand dollars, (\$1000,) payable out of the General Fund, for distributing in the several Counties of this State the Convention Debates in English and Spanish ; also one copy U. S. Statutes for each County, and the Laws and Journals of 1850 for the Counties of Nevada, Placer, Trinity, and Klamath.

SEC. 2. This Act shall take effect from and after its passage.

APPROVED, April 20, 1852.

CHAPTER CLXXXIII.

AN ACT

*For the Relief of Jacob C. Kore.**The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SEC. 1. It shall be the duty of the pay master, of the claims arising under the El Dorado expedition against the Indians, in eighteen hundred and fifty, to enter the name of Jacob C. Kore, on the pay roll of said expedition, that the said Kore may receive such compensation as the law provides for the services performed by him, as orderly Sergeant in company D., commanded by Capt. Porter, under Major William Rogers, in said expedition.

Authorizing his name to be entered on the pay roll of company D.

To receive compensation as Sergeant.

SEC. 2. This Act shall be in force from and after its passage.

Commencement of this Act.

APPROVED, May 1, 1852.

CHAPTER CLXXXIV.

AN ACT

*For the Relief of Lyman Leslie.**The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SEC. 1. The Comptroller of State is hereby authorized and directed to draw his Warrant on the Treasurer, in favor of Lyman Leslie, for the sum of ten dollars, payable out of the contingent fund of the Senate and Assembly.

Comptroller to issue Warrant for \$10.

APPROVED, May 1, 1852.

CHAPTER CLXXXV.

AN ACT

For the Relief of John G. Marvin, late Quarter Master in the Mariposa War.

Preamble.

Whereas, John G. Marvin, late Quarter Master of the Mariposa Expedition, called into service by the Governor of this State, lost by the fire in Stockton a portion of the vouchers pertaining to his office, and *Whereas*, he has been subjected to expense and service in attending the meeting of the Board of Examiners, in settling the claims of said Expedition, and is unable to make a final settlement of his accounts; Therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Comptroller to
issue Warrant
for \$2,036.00.

The usual oath to
be taken.

Commencement
of this Act.

SEC. 1. The Comptroller of State is hereby required to issue his Warrants upon the Treasurer, in favor of John G. Marvin for the sum of two thousand and thirty-six dollars, payable out of the "War Loan Fund;" *Provided*, that the said John G. Marvin, shall take the usual oath of office, required of such officers, upon the final settlement of their accounts.

SEC. 2. This Act shall take effect from and after its passage.
APPROVED, April 15, 1852.

CHAPTER CLXXXVI.

AN ACT

For the Relief of Frank Maynard.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Power to erect
Wharf at Mar-
tinez.

SEC. 1. Frank Maynard, or his assigns, shall have the privilege of building a Wharf in the cove commencing at the slaughter house, at what is known as Bull Head Ranch, and running along the Straits of Carquinez to the line of the incorporated limits of the town of Martinez, and also the privilege of fishing over the tide water lands between said points.

SEC. 2. Any person or persons, in any way interfering or pre-

venting the free exercise of said privileges, or rights, may be held liable in the courts, for the full amount of damages so sustained, by the said Maynard or his assigns. Penalty for interfering.

APPROVED, May 8, 1852.

CHAPTER CLXXXVII.

AN ACT

For the Relief of L. Maynard.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Whereas, Lafayette Maynard was the owner and possessor of certain State Bonds, known as the three per cent. bonds, issued by virtue of an Act, entitled "An Act creating a Temporary State Loan," passed February the first, eighteen hundred and fifty, which bonds were numbered and dated as hereinafter mentioned, and for the amounts following, viz: A Bond numbered four hundred and eleven, for one hundred dollars, dated March the fourteenth, eighteen hundred and fifty; a Bond numbered five hundred and thirty-five, for one hundred dollars, dated March the twenty-seventh, eighteen hundred and fifty; a Bond numbered five hundred and thirty-six, for one hundred dollars, dated March the twenty-seventh, eighteen hundred and fifty; a Bond numbered three hundred and thirty-one, for one hundred dollars, dated March the third, eighteen hundred and fifty; a Bond numbered three hundred and eighty-two, for one hundred dollars, dated March the eighth, eighteen hundred and fifty; a Bond numbered one hundred and seventy-three, for two hundred and twenty-five dollars, dated March the fourteenth, eighteen hundred and fifty; a Bond numbered one hundred and eighty-one, for two hundred and twenty-five dollars, dated March the fourteenth, eighteen hundred and fifty; a Bond numbered two hundred and sixty-three, for two hundred and twenty-five dollars, dated April the third, eighteen hundred and fifty; a Bond numbered three hundred and thirteen, for the sum of two hundred and twenty-five dollars, dated April the sixteenth, eighteen hundred and fifty; a Bond numbered three hundred and forty-six, for two hundred and twenty-five dollars, dated April the twenty-second, eighteen hundred and fifty; said Bonds being payable to the Governor of this State, six months after their respective dates, signed by the Treasurer, countersigned by the Comptroller, and endorsed by the Governor, and bearing interest from their respective dates, at the rate of three per cent. per month. And *whereas*, it has been satisfactorily proven that the said

List of Bonds
destroyed by fire

bonds, being the property of the said L. Maynard, and while in his possession were destroyed by fire, therefore,

Treasurer of
State to issue
duplicate bonds.

SEC. 1. The Treasurer of State is hereby authorized and directed to issue the bonds of the State, bearing the same numbers, dates, and interest with those mentioned in the preamble to this Act, and for the same amounts, and in all respects resembling the bonds directed to be issued by the Act, entitled "An Act creating a Temporary State Loan," passed February the first, eighteen hundred and fifty; and the Comptroller and Governor are required to countersign and endorse said bonds as they are directed to do by said Act; and when so made, countersigned and endorsed, the Treasurer shall deliver them to the said L. Maynard: *Provided*, the said Maynard, at the time of delivery to him of the said bonds, shall give his bond to the Treasurer of State in double the aggregate amount of the bonds herein directed to be issued, and of the interest accrued at that time, with ample surety, and sureties to be approved by the Treasurer, conditioned for the payment to the State of all damages which may accrue to the State by the recurrence of the bonds which those herein directed to be issued are intended to replace.

Indemnity.

APPROVED, April 20, 1852.

CHAPTER CLXXXVIII.

AN ACT

For the Relief of James S. Raines.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Comptroller to
issue Warrant
for \$453.00.

SEC. 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer of the State, in favor of James S. Raines, for the sum of four hundred and fifty-three dollars, payable out of any moneys in the General Fund, not otherwise specifically appropriated.

APPROVED, April 27, 1852.

CHAPTER CLXXXIX.

AN ACT

For the Relief of C. C. Richmond.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized and required to issue his warrant in favor of Cyrus C. Richmond, for the sum of one thousand nine hundred dollars, being in consideration of warrants burnt twenty-second of June, one thousand eight hundred and fifty-one ; and the State Treasurer shall upon the presentation to him of the said warrants, fund the same by bonds dated June, one thousand eight hundred and fifty-one : *Provided*, that the said Cyrus C. Richmond shall give his bond to the State, with good and sufficient security, to be approved by the Secretary of State, in a sum of double the aforesaid amount, conditioned to be paid if the warrants claimed to be burned shall ever be presented to the Treasurer for payment.

Comptroller to
issue Warrant
for \$1900.

To fund the same.

Indemnity.

APPROVED, March 29, 1852.

CHAPTER CX.

AN ACT

Amendatory of Section First of an Act for the Relief of C. C. Richmond.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That the first section of said Act shall be, and the same is hereby so amended as to authorize the Comptroller to issue his warrant for the sum specified upon the State Treasurer, who upon presentation of said warrant shall issue duplicate bonds, payable out of the "Temporary State Loan Fund," with corresponding dates, numbers and original amounts of those lost.

Former Act
Amended.

Comptroller to
issue Warrant,
and Treasurer to
fund the same.

APPROVED, April 16, 1852.

CHAPTER CXCI.

AN ACT

For the Relief of Wm. Rogers, Sheriff of El Dorado County.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
issue Warrant
for \$850.

To be received
for taxes.

SEC. 1. The Comptroller of State be, and he is hereby authorized to draw a warrant in favor of Wm. Rogers, for two hundred and fifty dollars, which warrant shall be received by the Treasurer of State in payment of taxes due the State from El Dorado County, in any future settlement with said county.

APPROVED, April 27, 1852.

CHAPTER CXCII.

AN ACT

For the Relief of J. K. Shafer.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
draw Warrant
for \$300.

SEC. 1. The Comptroller of State is hereby authorized and directed to draw a warrant or warrants on the State Treasurer, for the sum of five hundred dollars, to be paid out of the General Fund, not otherwise specifically appropriated, in favor of J. K. Shafer, formerly District Attorney of the fifth Judicial District.

APPROVED, April 10, 1852.

CHAPTER CXCIIL

AN ACT

For the Relief of Soule & Page, J. Hammond, and Lovett & Co.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That the Comptroller of State be, and is hereby directed to draw his warrants on the General Fund of the Treasury, one in favor of Soule & Page, for the sum of sixteen hundred and twenty-two dollars and thirty-eight cents, and one in favor of J. Hammond, for the sum of three hundred and sixty-nine dollars and ninety-six cents, and one in favor of Lovett & Co., for the sum of three hundred and sixty-five dollars and ninety cents.

Comptroller to
issue Warrants
in favor of Soule
& Page for
\$1622.38 ;
in favor of J.
Hammond for
\$369.96 ;
in favor of J.
Lovett & Co. for
\$365.90.

APPROVED March 22, 1852.

CHAPTER CXCIV.

AN ACT

For the Relief of Taaffe and McCahill.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. That the Comptroller of State be, and is hereby authorized and directed to draw his warrant on the General Fund of the Treasury, in favor of Taaffe & McCahill, for the sum of two thousand and fifty-six dollars and eight cents.

Comptroller to
issue Warrant
for \$2056.08.

APPROVED, April 24, 1852.

CHAPTER CXCV.

AN ACT

For the Relief of Tobin & Duncan.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
issue Warrant
for \$1232.

SEC. 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer of State, in favor of Tobin & Duncan, for the sum of twelve hundred and thirty-two dollars ; and it shall be, and is hereby made the duty of the Treasurer of State, on presentation, to pay said warrant out of any cash in the Treasury, not specifically set apart as a fund by a law for a definite object, derived from, or belonging to the General Fund.

Commencement
of this Act.

SEC. 2. This Act to be in force from and after its passage.

APPROVED, March 18, 1852.

CHAPTER CXCVI.

AN ACT

For the Relief of the Treasurer of Santa Barbara County.

The people of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to
issue Warrant
for \$216.

SEC. 1. The State Comptroller is hereby directed to issue his warrant, and the Treasurer to pay the same out of the General Fund, in favor of Antonio M. Dela Guerra, Treasurer of Santa Barbara County, for the sum of two hundred and sixteen dollars, the amount due said Treasurer as mileage from Santa Barbara to the seat of government.

For Mileage.

APPROVED, Feb. 28, 1852.

CHAPTER CXCVII.

AN ACT

For the Relief of C. H. Veeder.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasury, in favor of C. H. Veeder, for the sum of two hundred and five dollars; and the Treasurer is required to pay the same out of any moneys in the Treasury not otherwise appropriated.

Comptroller to
issue Warrant
for \$205.

APPROVED, March 27, 1852.

CHAPTER CXCVIII.

AN ACT

For the Relief of W. J. Whitney, for furnishing the Capitol, and for Stationery.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer of State, in favor of W. J. Whitney, for the sum of twenty-three thousand seven hundred and eighty-one dollars and eighty-two cents.

Comptroller to
issue Warrant
for \$23,781.82.

SEC. 2. This Act to be in force from and after its passage.

Commencement
of this Act.

APPROVED, March 16, 1852.

CHAPTER CXCI.

AN ACT

To authorize and require the Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Comptroller to draw Warrants in favor of R. N. Wood for \$100; in favor of J. C. Tucker, \$200; in favor of S. A. McMeans, \$200.

SEC. 1. The Comptroller of State is hereby authorized and required to draw warrants on the State Treasurer, payable out of the General Fund, in favor of R. N. Wood, for one hundred dollars; J. C. Tucker, for two hundred dollars, and S. A. McMeans, for two hundred dollars.

APPROVED, May 1st, 1852.

CHAPTER CC.

AN ACT

To change the Name of George Krantz.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Name changed to George James Cross.

SEC. 1. It shall be lawful for the person heretofore bearing the name of George Krantz, to alter the same to George James Cross.

APPROVED, May 4, 1852.

CHAPTER CCL

AN ACT

To change the Name of Lucy A. Stoddard Wakefield.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. It shall be lawful for the person heretofore bearing the name of Lucy A. Stoddard Wakefield, to change the said name to Lucy A. Stoddard. Name may be changed.

APPROVED, February 28, 1852.

CHAPTER CCIL

AN ACT

Granting Hon. T. H. Caswell, Judge of Nevada County, leave of absence.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. That Hon. Thomas H. Caswell, County Judge of Nevada County be, and he is hereby granted leave of absence from this State for a period of six months from and after the first of September, A. D. one thousand eight hundred and fifty-two. For six months from Sept. 1, 1852.

APPROVED, February 28, 1852.

JOINT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

CONCURRENT RESOLUTION

Granting Leave of Absence to W. Van Voorhies, Secretary of State.

Resolved, By the Assembly, the Senate concurring, that W. Van Voorhies, Secretary of State, be permitted to absent himself from the State for the period of four months, from and after April fifth, one thousand and eight hundred and fifty-two; *Provided*, the Governor of the State consent.

APPROVED, April 2, 1852.

CONCURRENT RESOLUTION

To stop the Pay of Judges while Absent on Leave from the State.

Resolved, The Senate concurring, that all Judges in the State, who have or may hereafter obtain leave of absence from the State, shall not receive any compensation by way of salary from the State during the time for which said leave of absence has been or may be granted.

APPROVED, March 22, 1852.

CONCURRENT RESOLUTION

To elect Trustees for the Stockton State Hospital.

Resolved, The Senate concurring, that William A. Root, D. S. Terry, and J. S. Freeborn, are hereby elected Trustees of the Stockton State Hospital, in the place of H. W. Wallis, William A. Root, and R. P. Hammond, for the term of one year, and until their successors are qualified.

APPROVED, May 3, 1852.

CONCURRENT RESOLUTION

For the Relief of Thomas L. Smith.

Whereas, it has been satisfactorily established by reliable evidence, that our venerable and worthy fellow citizen, Capt. Thos. L. Smith, has spent a large amount of his estate by his liberal contributions to the wants of the sick and starving overland emigrants to Oregon and California, in the memorable years of eighteen hundred and forty-nine and eighteen hundred and fifty, and *whereas*, the said Thomas L. Smith has received a wound while in the act of protecting American citizens against savage violence and barbarity, by reason of which he is and ever will be materially disabled and rendered incapable of self-protection; and *whereas*, the said Thomas L. Smith has an infant son dependant upon him for protection and education, whose extraordinary mental developments mark him as a particular object of public care and culture; therefore

Resolved, The Senate concurring, that our Senators in Congress be instructed and our Representatives requested to use their influence and efforts to obtain an appropriation from Congress for the relief of Thomas L. Smith, for property used and personal services rendered in relief of the destitute and suffering overland emigration, as also in consideration of a wound received in his patriotic and philanthropic efforts to stay the arm of the murderous and relentless savage of the plains.

APPROVED, May 3, 1852.

JOINT RESOLUTION

Approving the Compromise Measures of the last Congress.

Whereas, the Constitution of the United States was adopted in a spirit of compromise, and the welfare of the citizens of the various States and their independence and freedom depend upon the strict observance of those compromises; and *whereas*, the questions which have agitated and disturbed the country, and which threatened to overthrow the noble fabric of our government and destroy the Union, have been fully terminated by the Compromise Measures of the General Congress; therefore,

Resolved, The Assembly concurring, that we have full confidence in the Constitution of the United States, which was formed in the spirit of wisdom and compromise, is the bond of our Federal Union, and can only be preserved by a strict adherence to express and implied powers.

Resolved, That the State of California, although the youngest member of the Republic, is as strongly attached as the oldest to that noble and sacred instrument the Federal Constitution, and that she will resist to the extent of her ability any attempt to infringe upon its provisions.

Resolved, That this Legislature cordially approves of the compromise measures of Congress, which have served to reconcile most of the antagonistic interests of the Union, and to place on a firmer basis than ever the government of our country; that we greet with pleasure the passage of those measures as a triumph over disorganization and fanaticism, and that our young State will ever be found firm and earnest in their unwavering support.

Resolved, That our Senators be instructed and our Representatives in Congress be requested to sustain at all hazards the compromise measures of Congress, thereby reflecting the desires of this Legislature, and the views and wishes of our people.

Resolved, That his Excellency the Governor be requested to transmit to the Governor of New Jersey, to the Governor of each State, and to our Senators and Representatives in Congress, each a copy of the foregoing preamble and resolutions.

APPROVED, May 4, 1852.

A JOINT RESOLUTION

On the subject of the proposed Overland Railway from the Mississippi or Missouri River to the Pacific Ocean.

Be it Resolved, By the People of the State of California, represented in Senate and General Assembly, as follows: That our Senators in Congress be, and they are hereby instructed and our Representatives requested to vote for an Act of Congress, locating and providing for the construction of a Railway, commencing at some point on the Missouri or Mississippi River; running thence westerly to the Pacific Ocean at some central or convenient point in the State of California. And that they further vote to tax the cost of the same on the revenue or credit of the General Government, in order to secure a prompt completion of such great National work; leaving the public domain through which it may run to be granted in donations to actual settlers.

Be it further Resolved, That his Excellency the Governor be requested to forward to each of our Senators and Representatives in Congress copies of the foregoing Joint Resolutions.

APPROVED, May 1, 1852.

JOINT RESOLUTION

In relation to the establishment of a Branch Mint in this State.

Resolved, By the Senate and Assembly of the State of California, that our Senators in Congress be, and they are hereby instructed and our Representatives requested to use their utmost endeavors to procure the establishment of a Branch Mint of the United States in this State, at the earliest possible moment.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives a copy of the foregoing Report and Resolutions.

APPROVED, April 9, 1852.

JOINT RESOLUTION

In respect to Electors of President and Vice President.

Whereas, the present law of Congress demands and provides that the Electors of President and Vice President shall meet and give their votes on the first Wednesday in December; and *whereas*, in consequence of the extent of our State and a want of facilities for rapid communication, the popular vote will not have been ascertained in time to comply with the provisions of such law; therefore be it

Resolved, by the Senate and Assembly, that our Senators and Representatives in Congress be requested to secure, if possible, such change in the existing law as will authorize in the State of California the meeting of the Electors on the third Wednesday of December.

APPROVED, April 17, 1852.

JOINT RESOLUTIONS

In regard to Mail Contracts.

JOINT RESOLUTIONS. *Resolved*, By the Senate and Assembly of the State of California, that our Senators be instructed and our Representatives be requested to use their best efforts to procure the passage of a law by Congress authorizing the proper Departments to enter into a contract with Lafayette Maynard and John Parrott for the semi-monthly transportation of the Mails between Panama and San Francisco or between New York and San Francisco, as they may prefer, upon terms equally liberal with those of the contracts now existing upon this route; this additional contract to provide for the transmission of the Mails in the weeks intervening between those fixed for the arrival and departures of the mails.

Resolved, That our Senators be instructed and our Representatives be requested strenuously to resist any extension of the contracts heretofore made by the United States with the Pacific Mail Steamship Company.

Resolved, That his Excellency the Governor be requested to forward a copy of said memorial and these resolutions to each of our Senators and Representatives.

APPROVED, April 9, 1852.

JOINT RESOLUTIONS

In regard to Volunteers informally enlisted in the United States service.

Whereas, Many of the Volunteers, engaged in the United States service in California during the late war with Mexico, were enlisted without express authority by law, but under the supervision and direction of either naval or military officers of the United States duly acknowledged and accredited as such by our Government: *Whereas*, said Volunteers entered into said service in good faith, and were absolutely enlisted with all the formalities usual and necessary upon such occasions, and that, too, under officers whom they knew to be Government officers, who professed to be and whom they supposed to be duly invested with the necessary authority: *Whereas*, the said Volunteers being thus enlisted, most faithfully served their country from the period of their enlistment to the conclusion of the treaty of peace, under the most embarrassing, forbidding and trying circumstances, in many instances fully arming and equipping themselves at their own expense, furnishing their own and additional munitions of war, furnishing horses, cattle, wagons, and other property, for the service, and subsisting wholly upon their own means, and in every case abandoning all their pecuniary and private interests for their country's good, and that, too, at a time when those interests most required their immediate attention—when speculation was rife, when the foundations of immense fortunes were being laid by their fellow-countrymen whose way was unclogged by a public foe, whose hands were unencumbered by public arms, and whose hearts were unoccupied by public duty: and *Whereas*, although six years have now elapsed, no compensation whatever has ever been awarded to the said volunteers for either the property furnished by them to the Government for military purposes or for their personal services rendered by them under the most inauspicious and perilous circumstances: therefore, be it

Resolved, (by the Assembly, the Senate concurring,) That our Senators be and they are hereby instructed and our Representatives are requested to exert their abilities and to use all honorable means in their power to procure the immediate enactment of a law by the Congress of the United States in reference to this subject, providing for a full and ample compensation for all private property, given or taken in California, for public use, during the Mexican war, and for a like full and complete compensation for services rendered by volunteers in California during said war, although they may not have been enlisted in strict conformity to legal provision, and also for the extension to said volunteers of the full benefits of all the existing laws of Congress relative to persons engaged in the United States military service.

Resolved, That the Executive of this State be and he is hereby requested to forward to each of our Senators and Representatives in Congress one copy of the above foregoing preamble and resolutions.

APPROVED, April 7, 1852.

JOINT RESOLUTION

Requesting our Senators and Representatives in Congress to use their best efforts to obtain certain Arms from the General Government.

Whereas, The State of California, surrounded on one side by hordes of savages, Indians, and geographically so situated as to be liable, in case of war with any maritime power, to be entirely cut off from the Atlantic States by sea, and in such an event would be compelled to defend the country by the arming and equipment of her own citizens alone : and *Whereas*, we are left by the General Government in a peculiarly defenceless condition, with a fraction of a regiment scarcely more than sufficient to take care of the Barracks and Government property, and without the means within ourselves of arming one thousand men : therefore be it

Resolved, By the Senate and Assembly, that our Senators and Representatives in Congress be requested to use their best efforts to obtain from the General Government, for the State of California, twenty thousand stand of Arms and one thousand Colt's Dragoon Pistols, and that they also be requested to represent in the strongest terms the defenceless condition of our sea coast.

APPROVED, March 6, 1852.

JOINT RESOLUTION

In relation to Emigrant Vessels.

Whereas, From the many complaints made throughout this State, it appears that those who have charge of and control over the emigrant vessels running between Panama and San Francisco, are in the habit of grossly violating the laws of the United States, entitled Acts to regulate the carriage of passengers in merchant vessels, and that such vessels are crowded far beyond their capacity to provide the necessary accommodations and comforts for those whom they undertake to transport : and *Whereas* such disregard for said laws occasions great loss of life among the travelling community, fills our hospitals with the sick and dying, and engenders serious and contagious diseases, which are spread through the State to the destruction of the health of our citizens ; therefore be it

Resolved, By the Senate and Assembly, that our Senators and Representatives in Congress be requested to bring this grievance to the notice

of the Federal Government, with the view to the rigid enforcement of the laws aforesaid, and if in their opinion necessary to have such further laws passed as will serve to guard more effectually against the grievous evil above set forth, and to secure to those travelling in said vessels protection to their health and lives.

APPROVED, March 3, 1852.

RESOLUTIONS OF INSTRUCTIONS

To our Senators and Representatives in Congress relative to the levying and collecting a tonnage tax for hospital purposes.

Whereas, The number of indigent sick daily arriving at the ports of entry in this State are so numerous as to demand an outlay of expenditures to meet the exigences of such cases, far beyond the means of the State available for such purposes: and *Whereas*, it is the duty of all well regulated governments and the citizens thereof to administer to the wants and relieve the necessities of the indigent sick: therefore

Resolved, That our Senators in Congress be instructed and our Representatives be requested to urge upon Congress the passage of laws granting to the Legislature of this State authority to levy and collect a tonnage tax for a limited period, for the purpose of erecting and aiding in the maintenance of proper institutions for the care and well being of the indigent sick persons arriving in the State of California. Be it further

Resolved, That his Excellency the Governor be requested to forward a copy of this preamble and resolutions to our Senators and Representatives in Congress.

APPROVED, April 7, 1852.

A JOINT RESOLUTION

In relation to Swamp Lands.

Resolved, By the Senate and Assembly of the State of California, that the Governor of the State be requested to correspond with the Secretary of the Interior, (United States,) and obtain the authority of the Government of the United States, directing the Surveyor-General of this State, under the superintendence of the Surveyor-General of the United States, to survey the swamp and overflowed lands of California which

have been donated by the General Government; and that the Secretary of the Interior be requested to direct that the maps and field notes thereof be returned to him, and duplicates thereof be also returned, by said Surveyor, to the office of the Secretary of State of California, and the expenses of said service be paid by the General Government.

Resolved, That the Governor of the State of California be requested to obtain the patent from the General Government for said lands at as early a day as practicable after the completion of such surveys.

APPROVED, March 26, 1852.

JOINT RESOLUTIONS

Of Instruction to our Senators relative to Humboldt and Trinidad Bays.

Whereas, That portion of the coast of California bordering on Humboldt and Trinidad Bays is exceedingly dangerous to shipping by reason of its peculiar formation and the numerous shoals and bars: and *Whereas*, it is necessary for the advancement and security of commerce, both of the State and country, that the General Government should extend to our coast those aids and facilities for the promotion and protection of its commercial interests, which has always been its policy in reference to the seaboard of the United States, and which have, in fact, been afforded to every other part of the country: therefore

Resolved, By the people of the State of California, represented in Senate and Assembly, that our Senators in Congress be and they are hereby instructed and our Representatives requested to urge the passage of a law appropriating moneys to build *Light Houses*, and to establish and locate buoys and fog signals at the entrance of Humboldt and Trinidad Bays, sufficient to render the navigation thereof convenient and secure. Be it further

Resolved, That the Governor of this State is hereby requested to transmit copies of the above resolution to our Senators and Representatives in Congress.

APPROVED, February 17, 1852.

RESOLUTION OF INSTRUCTION

In relation to the Bay and Harbor of San Diego.

Whereas, The river of San Diego, by reason of the immense deposits of sand that it annually makes in the Bay of San Diego, is destroying the channel and character of said bay : therefore

Resolved, By the Senate and Assembly of the State of California, that our Senators be and are hereby instructed and our members in the House of Representatives be requested to exercise all their influence to procure an appropriation from Congress for the turning of the river of San Diego from the bay of said name into False Bay.

APPROVED, February 14, 1852.

JOINT RESOLUTIONS

Instructing our Senators and requesting our Representatives in Congress to obtain an increase of the salaries of the District Judges in California.

Whereas, The salary allowed by law to the Judges of the United States District Courts for the two Judicial Districts of California is totally inadequate to compensate the incumbents for the arduous and constant labors of the office, exclusive of that portion of the salary necessarily expended in holding courts at the different points in the districts designated by law. Be it therefore

Resolved, By the Senate and Assembly, that our Senators are hereby instructed and our Representatives requested to use all proper exertions for the enactment of a law by Congress, allowing an increased salary to the Judges of said districts. Be it further

Resolved, That the Governor of the State be requested to forward to each of the Representatives and Senators in Congress from California a copy of the above resolutions.

APPROVED, February 6, 1852.

JOINT RESOLUTION

Authorizing the Comptroller to issue a Duplicate Warrant to John L. Smith.

Resolved, By the Senate and Assembly, that the Comptroller be and he is hereby authorized to issue to John L. Smith a Duplicate of Warrant number seven hundred and seventy-eight, for the sum of four hundred dollars, made payable to the said Smith, the original warrant having been lost or stolen: *Provided*, the said Smith files a good and sufficient indemnifying bond with the Comptroller in double the amount of said original warrant, which bond shall be approved by the Comptroller and Treasurer of the State of California: *Provided*, further, that said Smith shall make proof satisfactory to the Comptroller of the loss of the same.

APPROVED, February 6, 1852.

JOINT RESOLUTION

Of instructions to our Representatives in Congress in relation to the claim of Elias Waldon.

Resolved, By the Senate and Assembly of the State of California, that our Senators in Congress be instructed and our Representatives be requested to use their influence and efforts to obtain an appropriation from Congress for the relief of Elias Waldon, of California, for money expended by him and care and diligence bestowed in relieving the destitute, suffering, starving and sick among the overland emigrants to California in the year of eighteen hundred and fifty.

That his Excellency the Governor be requested to forward to each of our Senators and Representatives a copy of the foregoing resolution.

APPROVED, April 28, 1852..

JOINT RESOLUTIONS

Relative to the Civil Fund of California.

Resolved, By the Senate and Assembly, that we deeply regret that Congress has so long delayed in refunding to the State of California moneys collected in her ports and from the honest industry of her citizens previous to her admission into the Federal Union.

Resolved, That we consider the fund heretofore known as the "Civil Fund of California," to be the property of this State, and that any other appropriation of it by the General Government, we hold to be unjust and ungenerous: taxation without representation is a principle always repudiated by the American people.

Resolved, That our Senators be instructed and Representatives requested to continue all honorable exertions to procure from Congress the recognition of our right to the moneys taken from us by the General Government, and an appropriation to that effect, and that we call upon our sister States to see that this act of justice is performed towards the youngest of the Republic.

Resolved, That the Governor be requested to present to our Senators and Representatives each a copy of the foregoing resolutions.

APPROVED, February 6, 1852.

JOINT RESOLUTIONS

Authorizing the Governor to remove the Archives of the State to Sacramento city, and the State Officers to reside at said city during the present session of the Legislature.

Resolved, By the Senate and Assembly, that the Governor is hereby authorized to have the Archives of this State removed to the city of Sacramento, to remain during the session of the present Legislature at said city. And be it further

Resolved, That the Governor and the several Executive State Officers are hereby authorized and required to reside at the city of Sacramento during the session of the present Legislature at said city.

APPROVED, January 16, 1852.

JOINT RESOLUTION

Directing the Treasurer of the State to suspend all payments until the Archives are removed to the place where the Legislature are in session.

Whereas, At present the Archives of the State are in San Jose: therefore

Resolved, By the Assembly, (Senate concurring) that the Treasurer of the State of California is hereby required to suspend any further payments out of the general fund until the Archives are brought to the place where the Legislature is in session.

APPROVED, January 21, 1852.

JOINT RESOLUTION

Relative to the distribution of the Laws of one thousand eight hundred and fifty-one.

Resolved, By the Senate and Assembly of the State of California, that the Secretary of State be and he is hereby required to distribute to each member of the present Legislature a copy of the Laws of eighteen hundred and fifty-one, except to such members as have already been supplied with the same.

APPROVED, April 20, 1852.

JOINT RESOLUTION

Providing for the distribution of the Journals.

Resolved, By the Senate and Assembly, that it be the duty of the Secretary of State to distribute to each of the members of the Senate and Assembly, and the principal officers thereof, who have not been heretofore similarly supplied, one copy of the Convention Journals and one copy of the Legislature of eighteen hundred and fifty and eighteen hundred and fifty-one, whenever the State Printer shall furnish the same for the use of the State.

APPROVED March 3, 1852.

JOINT RESOLUTIONS

To provide for the Printing and distribution of the Revenue Law of eighteen hundred and fifty-two.

Resolved, By the Senate and Assembly of the State of California : the Secretary of State is hereby required to procure without delay the translation, by the State Translator, of the Revenue Law of this session, and that he procure as soon as possible the printing of said law in pamphlet form, by the State Printer, of one hundred copies in the Spanish language and five hundred copies in the English language : and be it further

Resolved, The Secretary of State is required immediately, on the printing of said law, to transmit to the County Clerk of each county one copy of said law, in the English language, for the Assessor, one copy for the Sheriff, one copy for the Board of Supervisors, or if there be no such Board, for the Court of Sessions, and ten copies to be reserved in the office of the County Clerk ; and also of the Spanish translation to the County Clerk of the counties of Santa Clara, Contra Costa, and all the counties south of said counties, one copy for the Assessor, one copy for the Sheriff, one copy for the Board of Supervisors, or if there be no such Board, for the Court of Sessions, and five copies to be reserved in the office of the County Clerk.

APPROVED, April 27, 1852.

JOINT RESOLUTION

Authorizing the Supreme Court to hold its present session in the city of San Francisco.

Resolved By the Senate and Assembly, that the Supreme Court shall hold the remainder of the present term, being that which commenced on the first Monday of January, one thousand eight hundred and fifty-two, at the city of San Francisco, and that so much of the fourteenth section of the second chapter of An Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed March eleventh, one thousand eight hundred and fifty-one, which reads as follows : "The terms of the Supreme Court, until the first of January, one thousand eight hundred and fifty-two, shall be held at the city of San Francisco, and after that day at the Seat of Government," as conflicts herewith shall be and the same is hereby repealed.

APPROVED, January 20, 1852.

JOINT RESOLUTION

Granting leave of absence to Justice Heydenfeldt, of the Supreme Court.

Resolved, By the Senate and Assembly, that Solomon Heydenfeldt, one of the Justices of the Supreme Court, of this State, is hereby authorized to go beyond the limits of this State, on a visit to the Atlantic States, and remain for such time as may be necessary for the complete restoration of his health. *Provided*, this leave of absence shall not extend beyond the period of six months from the time of his departure from this State.

APPROVED, February 6, 1852.

JOINT RESOLUTION

Granting leave of absence to William R. Turner, Judge of the eighth Judicial District.

Resolved, By the Senate and Assembly, that leave of absence from the State be and is hereby granted to Hon. William R. Turner, Judge of the eighth Judicial District, for a period of three months, commencing on the first day of September, one thousand eight hundred and fifty-two.

APPROVED, April 10, 1852.

JOINT RESOLUTION

For the Relief of H. C. Hodge, Treasurer of Nevada County.

Whereas, there is now in the hands of the County Treasurer of Nevada County, the sum of eight hundred and eighty-eight dollars, in State Scrip, taken by said County Treasurer for Gaming License, according to the mode of collecting said licenses, for the year one thousand eight hundred and fifty. Be it therefore

Resolved, By the Senate and Assembly that the Comptroller and Treasurer of the State be and they are hereby directed to receive the said sum of eight hundred and eighty-eight dollars in State Scrip from the

said Treasurer of Nevada County, in the same manner as other State Warrants, at par, or at the same rate at which it was taken for said license by said County Treasurer. *Provided*, that said Treasurer produces satisfactory evidence to the Comptroller, by oath or otherwise, that said Scrip was actually received for said license in the absence of any knowledge by him of the "Act of one thousand eight hundred and fifty-one," forbidding the payment of taxes in State Scrip.

APPROVED, February 28, 1852.

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